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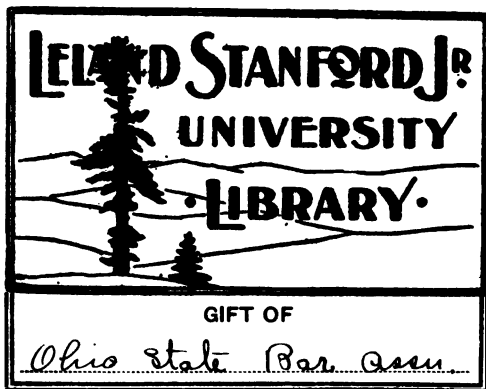
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Barren-Ohio



31 JAN 1964



Mr. H. H. H. H. H.

cc

THE OHIO STATE BAR ASSOCIATION

VOLUME XXXVI

✓
PROCEEDINGS

OF THE

Thirty-Sixth Annual Session

OF THE ASSOCIATION

HELD AT

CEDAR POINT, OHIO

JULY 6, 7 AND 8, 1915

CONSTITUTION, BY-LAWS, PROCEEDINGS,
LIST OF OFFICERS, MEMBERS, ETC.

EVANGELICAL PRESS, CLEVELAND, OHIO
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The Ohio State Bar Association

Constitution

Adopted July 8, 1880 (Vol. 1, p. 9.)

I. NAME.

This Association shall be known as "The Ohio State Bar Association."

II. OBJECT.

The Association is formed to advance the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to uphold integrity, honor and courtesy in the legal profession, to encourage thorough liberal legal education and to cultivate cordial intercourse among the members of the bar.

III. MEMBERSHIP.

The members of the bar attending this Convention as delegates this eighth day of July, 1880, are hereby declared to be members of this Association, provided they shall, during the present session, pay the admission fee and sign this Constitution. Any member of the bar of good standing, residing or practising in the State of Ohio, may become a member of the Association upon nomination and vote, as hereinafter provided.

IV. ELECTION OF MEMBERS.

All nominations for membership shall be made by the Committee on Admissions, and must be transmitted in writing to the President and by him reported to the Association, and if any member demands a vote upon any name thus reported, the Association shall thereupon vote thereon by ballot. Several nominees may be voted upon on the same ballot, and in such a case the placing of the word "no" against any name or names

upon the ticket shall be deemed a negative vote against such name or names and against those only. One negative vote in every five shall suffice to defeat an election. (Amended July 12, 1901. Vol. 22, pp. 72, 91.)

V. OFFICERS.

The officers of the Association shall be a President, who shall deliver the annual address and be ineligible for a second term; one Vice-President from each judicial district reported by membership in the Association; a Secretary and a Treasurer. All of these shall be elected at the annual meeting and hold their offices till the next annual meeting of the Association and until their successors are elected.

VI. COMMITTEES.

The President shall, with the approval of the Association, appoint the following Standing Committees: an Executive Committee, a Committee on Membership, a Committee on Judicial Administration and Legal Reform, a Committee on Legal Education, a Committee on Grievances, a Committee on Legal Biography and a Committee on Legislation; and each Standing Committee and the Vice-Presidents shall be composed of one member from each Common Pleas Judicial District, as such Districts existed prior to 1914, represented in the Association. A majority of the members of every Committee who may be present at a meeting of the Association shall constitute a quorum of such Committee for the purposes of such meeting. (Amended July 7, 1915, Vol. 36, p. 21)

Every committee shall, at each annual meeting, report in writing a summary of its proceedings since the last annual report, together with any suggestions deemed suitable and appertaining to its powers, duties or business. A general summary of all such annual reports and of the proceedings of the annual meetings shall be prepared and printed by and under the direction of the Executive Committee, together with the Constitution, By-Laws, names and residences of officers, Standing Committees and members of the Association, as soon as

practicable after each annual meeting. (Amended July 10, 1913. Vol. 34, p. 92.)

VII. FINAL ACTION.

No action of the Association of a permanent nature or recommending changes in law or the administration of justice, shall be final until approved by the Standing Committee, to which the same shall be referred by the Association.

VIII. PRESIDENT.

The President, or, in his absence, the senior Vice-President, shall preside at all meetings of the Association, and the President shall deliver an address at the opening of the meeting next after his election.

IX. EXECUTIVE COMMITTEE.

The President and Secretary shall be *ex-officio* members of the Executive Committee. This Committee shall manage the affairs of the Association, subject to the provisions of the Constitution and By-Laws, and shall be vested with the title to all its property as trustees thereof, and shall make By-Laws for the Association, subject to amendment by the Association.

X. COMMITTEE ON MEMBERSHIP.

The proceedings of this Committee shall be deemed confidential and shall be kept secret, except so far as written or printed reports of the Committee shall be necessarily and officially made to the Association.

XI. COMMITTEE ON JUDICIAL ADMINISTRATION AND LEGAL REFORM.

It shall be the duty of the Committee on Judicial Administration and Legal Reform to take record of all proposed changes of the law and to recommend such as may be, in their opinion, entitled to the favorable influence of the Association; and further, to observe the working of the judicial system of the State; to collect information with reference thereto, and to recommend such action as they may deem advisable.

XII. COMMITTEE ON LEGAL EDUCATION.

It shall be the duty of the Committee on Legal Education to examine and report what change it is expected to propose in the system of legal education and of admission to the practice of the profession in the State of Ohio.

XIII. COMMITTEE ON GRIEVANCES.

The Committee on Grievances shall receive all complaints which may be made in matters affecting the interests of the legal profession, the practice of the law and the administration of justice and report the same to the Association with such recommendations as they may deem advisable.

The proceedings of this Committee shall be deemed confidential and kept secret, except so far as reports of the same shall be necessarily and officially made to the Association.

XIV. COMMITTEE ON LEGAL BIOGRAPHY.

The Committee on Legal Biography shall provide for the preservation among the archives of the Association of suitable written or printed memorials of the lives and characters of deceased members of the Ohio Bar and procure and report to the next annual meeting a short biographical sketch of each member whose death shall have been reported at any annual meeting. (Amended December 28, 1886. Vol. 7, p. 65.)

XV. COMMITTEE ON LEGISLATION.

It shall be the duty of the Committee on Legislation to present to the General Assembly all recommendations of the Association respecting changes in existing laws and proposed new legislation, and endeavor to secure appropriate action thereon, reporting its proceedings to the Association at each annual meeting.

XVI. SECRETARY.

The Secretary shall keep a record of the proceedings and conduct the correspondence of the Association and perform the usual duties of such office.

XVII. TREASURER.

The Treasurer shall collect, and by order of the Executive Committee disburse, all funds of the Association, and keep regular accounts, which, at all times, shall be open to the inspection of any member or members of the Executive Committee.

XVIII. ANNUAL MEETING.

This Association shall meet annually at such time and place as the Executive Committee may select, and those present at such meeting shall constitute a quorum.

XIX. DUES.

The admission fee will, in all cases, be \$2, which shall include the dues of the applicant to December 31st of the year in which he is admitted. The annual dues of the members shall be \$2, to be paid yearly on or before the first day of the annual meeting of the Association, and after each annual meeting the Treasurer shall notify each member in arrears for dues of the amount due; and any member who shall remain in default for dues until the close of the annual meeting next following such default shall be suspended and dropped from the rolls and shall not be reinstated until all back dues are paid; provided, however, that in case such back dues amount to more than \$5, such members may, upon recommendation of the Committee on Membership, be reinstated on payment of the sum of \$5. (Amended December 28, 1886, Vol. 7, p. 65; July 15, 1892, Vol. 13, p. 91, and July 8, 1902, Vol. 23, p. 26.)

XX. AMENDMENTS.

This Constitution may be altered or amended by a vote of a majority of the members present at any annual meeting, with the approval of the Executive Committee.

By-Laws

The following By-Laws, prepared by the Sub-Committee appointed for that purpose, were adopted in the month of September, 1881, by the following indorsement written thereon:

APPROVED.

The undersigned members of the Executive Committee hereby consent that a meeting of the Committee to consider the within By-Laws be dispensed with, and that said By-Laws be considered as adopted and be published by the Secretary with his report.

RUFUS KING,
JOHN W. HERRON,
J. T. HOLMES,
L. J. CRITCHFIELD,
GEO. W. HOUCK,
JOHN F. BROTHEERTON,
WARREN P. NOBLE,
GEO. W. GEDDES,
CHAS. H. GROSVENOR,
D. A. HOLLINGSWORTH,
WM. UPSON.

I. The Executive Committee, at its first meeting after each annual meeting of the Association, shall select some person to make an address at the next annual meeting on the life and services of any deceased member of the bench or bar of Ohio of eminence, or other subject; and also not exceeding five members of the Association to read papers.

II. The Order of Exercises at the annual meeting shall be as follows:

- (a) Annual Address of the President.
- (b) Report of Committee on Admission and Election of Members.

- (c) Report of Secretary.
- (d) Report of Treasurer.
- (e) Reports of Standing Committees:
 - Executive Committee.
 - On Judicial Administration and Legal Reform.
 - On Legal Education.
 - On Grievances.
 - On Legal Biography.
 - On Legislation.
- (f) President's call upon each Judicial District for names of deceased members.
- (g) Reports of Special Committees.
- (h) The Nomination of Officers.
- (i) The Appointment of Standing Committees.
- (j) Miscellaneous Business.
- (k) The election of Officers.

The address to be delivered by a person invited by the Executive Committee shall be at the morning session of the second day of the annual meeting, and the reading of papers by the members appointed by the Executive Committee shall be on the same day, unless the Executive Committee shall designate some other time for the address and reading of papers. After the reading of each paper an opportunity shall be given for discussion on the topic of the paper.

The Executive Committee shall publish some days in advance of each annual meeting, a statement of the person who is to deliver the address, and the persons who are to read papers and the subject of each. (Amended December 28, 1886, Vol. 7, p. 65.)

III. No person taking part in a discussion shall speak more than ten minutes at a time or more than twice on one subject. A stenographer shall be employed at each annual meeting.

IV. At any of the meetings of the Association, members of the bar of any foreign country or of any state other than Ohio, who are not members of the Association, may be admitted to the privilege of the floor during such meetings.

V. All papers read before the Association shall be lodged with the Secretary. The annual address of the President, the reports of the Committees, and all proceedings at the annual meeting shall be printed, but no other address made or paper read or presented shall be printed, except by order of the Executive Committee. Extra copies of reports, addresses and papers read before the Association, may be printed for the use of their authors, not exceeding one hundred copies to each of such authors.

The Executive Committee, as a Committee on Publications, shall meet within one month after each annual meeting at such time and place as the Chairman shall appoint.

VI. The terms of office of all officers elected at any annual meeting shall commence at the adjournment of such meetings; but the terms of office of the members of the several committees appointed by the President shall commence immediately on their appointment.

VII. Each committee shall elect its own officers, whose terms of office shall commence on their election and continue until the appointment of a new committee; and each Standing Committee shall continue until its successor shall be appointed.

VIII. All Standing Committees shall meet on the day preceding each annual meeting at the place where the same is to be held, at such hour as the respective chairmen shall designate.

IX. Special meetings of any committee shall be held at such times and places as the chairman thereof may appoint. Reasonable notice shall be given by him to each member by mail.

X. The Treasurer's report shall be examined and audited annually, before its presentation to the Association, by two members to be appointed by the Chairman of the Executive Committee.

MEMORANDA.

All Judges and ex-Judges of the Supreme Court of Ohio are *ex-officio* members of this Association. I Rep., 17.

All judges and ex-Judges of the United States Court who are members of the Ohio bar are *ex-officio* members of this Association. VI Rep., 157.

At each annual meeting of the Association a committee, consisting of three members, to be styled the Committee on Railroads and Transportation, shall be appointed by the President of the Association, whose duty it shall be, at least six weeks prior to the next ensuing annual meeting, to negotiate and complete all practicable arrangements for reduced rates of travel to those attending, and through its Chairman, at least four weeks before the annual meeting, advise the Chairman of the Executive Committee and the Secretary of the Association of the arrangements made so that the same may be printed in the notices and programs sent out to members in advance of the meeting. (Adopted from Secretary's report, July 18, 1889, X Rep., 23.)

Resolved, That all applications for membership shall be accompanied with the membership fee, and upon default so to do, such application shall be returned without delay to such applicant by the Secretary of the Association or Committee on Membership. (Adopted by the Association, July 18, 1890, XI Rep., 124.)

AS TO DISTRIBUTION OF ANNUAL REPORTS.

To the members of the Association the price per volume of the reports of the proceedings held prior to the date of their admission shall be twenty-five cents, except the first four reports bound in one book, which shall be \$1.25 for the book.

To all other persons, excepting to law libraries and the exchange list of the Association, the price per volume shall be fifty cents, and for the four reports, bound in one book, the price shall be \$2.00.

The payment of the annual dues to entitle each member so paying to the volumes issued after the date of his membership. (Adopted July 8, 1903. Vol. 24, page 15.)

THE OHIO STATE BAR ASSOCIATION

CEDAR POINT

JULY 6, 7 AND 8, 1915

Program

TUESDAY, JULY 6TH

The Association will be called to order by the Chairman of the Executive Committee, at three o'clock in the afternoon.

FIRST:

Annual Address of the President:
HON. JOHN N. VAN DEMAN,
Dayton

SECOND:

Reports of Officers:
Secretary.
Treasurer.

THIRD:

Reports of Standing Committees:
Admissions.
Executive.
Judicial Administration and
Legal Reform.
Legal Education.
Grievances.
Legal Biography.
Legislation.

FOURTH:

Consideration of Report of Committee on
Judicial Administration and Legal Reform.

SECOND SESSION, 8 P. M.

SOCIAL:

Reception and Dance.

WEDNESDAY, JULY 7TH

THIRD SESSION, 10 A. M.

ADDRESS:

"Government Ownership of Railroads."
HON. C. W. DUSTIN,
Dayton

Further Consideration of Report of Committee
on Judicial Administration and Legal Reform.

FOURTH SESSION, 2 P. M.

ADDRESS:

"Making Law and Finding Law."
PROF. ROSCOE POUND,
Harvard University,
Cambridge, Mass.

FIFTH SESSION, 8 P. M.

ENTERTAINMENT:

GORDON BATTELLE and
MARGARET BATTELLE,

Dayton

THURSDAY, JULY 8TH

SIXTH SESSION, 10 A. M.

MEMORIALS:

Hon. John R. Saylor, and
Hon. William L. Dickson,
SIMEON M. JOHNSON,
Cincinnati

Hon. J. Foster Wilkin,
SMITH W. BENNETT,
Columbus

Call by Districts for Names of Deceased Mem-
bers.

Report of Districts on Election of Vice-President
and Members of Standing Committees.

Report of Committee on Nomination of Officers.

Unfinished Business.

Appointment of Three Delegates and Three Al-
ternates to Meeting of American Bar Association.

Adjournment.

REGISTERED AT THE ANNUAL MEETING

Edward C. Turner, Columbus.
 Jno. N. Van Deman, Dayton.
 Floyd A. Johnston, Springfield.
 Thomas F. Hudson, Springfield.
 G. A. Resek, Lorain.
 Chas. R. Miller, Cleveland.
 John H. Price, Cleveland.
 H. A. Mykrantz, Ashland.
 A. D. Follett, Marietta.
 D. C. Henderson, Lima.
 E. N. Brown, Youngstown.
 W. H. Gifford, Mansfield.
 Chester W. Merrill, Cincinnati.
 Hugh E. Allen, Van Wert.
 R. C. Skiles, Shelby.
 G. M. Skiles, Shelby.
 Wm. J. Geer, Galion.
 Edward H. Porter, Marysville.
 Nathan H. McClure, Medina.
 Chas. S. Wachner, Cleveland.
 C. M. Finrock, Cleveland.
 E. C. Chapman, Cleveland.
 Wm. C. Keough, Cleveland.
 Louis H. Winch, Cleveland.
 Morris D. Rice, Osborn.
 W. J. Tosell, Norwalk.
 Ralph S. Ambler, Canton.
 Dayton A. Doyle, Akron.
 C. E. Blanchard, Columbus.
 John F. Maher, Greenville.
 B. C. Miller, Cleveland.
 Geo. E. Hagenbuch, Cleveland.
 A. H. Mitchell, St. Clairsville.
 Chase Stewart, Springfield.
 Fred E. Bruml, Cleveland.
 Mary B. Grossman, Cleveland.
 B. H. Schwartz, Cleveland.
 E. B. King, Sandusky.
 Joseph L. Stern, Cleveland.
 C. W. Dustin, Dayton.
 Clarence D. Laylin, Columbus.
 D. M. Cupp, Delaware.
 W. S. Merrell, Coshocton.
 A. Jay Miller, Bellefontaine.
 R. J. O'Donnell, Columbus.
 J. L. Reed, Columbus.
 C. A. Hoopes, Marysville.
 Fordyce Belford, Toledo.
 D. J. Nye, Elyria.
 Paul T. Mahon, Kenton.
 Donald F. Melhorn, Kenton.

Lewis C. Laylin, Columbus.
 Lewis F. Laylin, Columbus.
 H. D. Grindle, Lima.
 Maurice H. Donahue, New Lexington.
 P. L. A. Lieghley, Cleveland.
 Harry T. McDorman, Springfield.
 Jos. W. Horner, Newark.
 Geo. W. Sieber, Akron.
 John M. Ormond, Toledo.
 J. S. Miller, Alliance.
 Frank A. Zimmer, Urbana.
 C. B. Hunt, Coshocton.
 Jas. L. Amerman, Canton.
 G. E. Mouser, Marion.
 Louis E. Myers, Marion.
 Wallace D. Yaple, Chillicothe.
 D. W. Bowman, Greenville.
 H. E. Englehardt, Norwood.
 D. A. Hollingsworth, Cadis.
 D. J. Cable, Lima.
 E. S. Matthias, Van Wert.
 L. M. Kyes, East Palestine.
 J. Paul Thompson, Cleveland.
 William L. Hart, Alliance.
 H. T. Mathers, Sidney.
 A. Talmage Snyder, Canton.
 D. F. Mills, Sidney.
 W. W. Teegarden, Greenville.
 W. H. Spence, Lisbon.
 Edward B. Follett, Marietta.
 B. E. Hathaway, Cleveland.
 Wm. M. Rockel, Springfield.
 Wm. B. Cockley, Columbus.
 U. L. Marvin, Cleveland.
 E. E. Lindsay, New Philadelphia.
 Albert D. Alcorn, Cincinnati.
 C. T. Austin, Cleveland.
 F. N. Irvine, Cleveland.
 Milton S. Koblitz, Cleveland.
 Frank C. Scott, Cleveland.
 F. M. Clevenger, Wilmington.
 A. E. Clevenger, Cleveland.
 W. S. Fitzgerald, Cleveland.
 E. B. McCarter, Cleveland.
 H. J. Weller, Tiffin.
 C. W. Dille, Cleveland.
 Geo. W. Ritter, Toledo.
 H. G. Redington, Elyria.
 John L. Cable, Lima.
 D. A. Baird, Elyria.
 S. S. Richards, Clyde.

C. B. Bentley, Cleveland.
Silas E. Hurin, Findlay.
S. J. Kornhauser, Cleveland.
L. B. Sawyer, Cincinnati.
Dudley C. Outcalt, Cincinnati.
Albert H. Miller, Toledo.
Carlton F. Schultz, Cleveland.
John E. Betts, Findlay.
Edwin Mansfield, Mansfield.
Harry F. Payer, Cleveland.
W. B. Neff, Cleveland.
C. P. Winbigler, Ashland.
M. J. Hartley, Xenia.
John M. Brodrick, Marysville.
John McCauley, Tiffin.
Walter L. Flory, Cleveland.
Lewis B. Houck, Mt. Vernon.
Thos. P. Dewey, Clyde.
Geo. E. Reiter, Sandusky.
Wm. M. Richards, Toledo.
Ben H. Dewey, Clyde.
A. O. Holloway, Akron.
Harry E. King, Toledo.
David E. Green, Cleveland.
J. H. Sampliner, Cleveland.
H. A. Cummings, Cleveland.
E. J. Hopple, Cleveland.
John McSweeney, Wooster.
Walter D. Meals, Cleveland.
Chas. H. Masters, Toledo.
Wm. J. Shaver, Cleveland.
Melville W. Vickery, Cleveland.
Louis Englander, Cleveland.
Geo. J. Everett, Delta.
John A. Shauck, Columbus.
William H. Young, Dayton.
Fred H. Wolf, Wauseon.

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T. H. Garry, Cleveland.
Harvey R. Keeler, Cleveland.
E. H. Van Fossan, Lisbon.
Merle N. Poe, Findlay.
J. R. Kistner, Cleveland.
Geo. B. Harris, Cleveland.
B. F. Long, Shelby.
Edgar G. Martin, Norwalk.
J. R. Johnston, Youngstown.
Edward Kibler, Newark.
Thomas A. Jones, Jackson.
Louis W. Wickham, Norwalk.
S. A. Wildman, Norwalk.
Roy H. Williams, Sandusky.
W. S. McConnaughey, Dayton.
Ralph B. Cohen, Steubenville.
John R. Horst, Columbus.
Clarence Spraul, Cincinnati.
Harry E. Englehardt, Cincinnati.
Walter D. Murphey, Cincinnati.
James I. Allread, Greenville.
Geo. R. Young, Dayton.
James B. Taylor, Wooster.
G. J. Fredriks, Jr., Cincinnati.
Alfred G. Carpenter, Cleveland.
J. L. Johnson, Columbus.
Albert Mendelson, Cleveland.
S. A. Headley, Cincinnati.
Smith W. Bennett, Columbus.
W. R. Pomerene, Columbus.
J. J. Moore, Ottawa.
J. L. W. Haney, Columbus.
O. R. Gilmore, Dayton.
Chas. M. Buss, Cleveland.

Report of Proceedings

OF THE

Thirty-Sixth Assembly

OF THE

OHIO STATE BAR ASSOCIATION

Held at Cedar Point, Ohio, Beginning on July 6, 1915

FIRST SESSION

Tuesday afternoon

Three o'clock

July 6th, 1915

The First Session of the Thirty-Sixth Annual Assembly of The Ohio State Bar Association convened in the Assembly Room of "The Breakers," Cedar Point, Ohio. The Session was called to order by Judge E. B. King, Chairman of the Executive Committee.

CHAIRMAN KING:—Ladies and Gentlemen, the Thirty-Sixth Annual Meeting of the Ohio State Bar Association will please come to order. The first duty assigned to me is the introduction of the President, who was elected at the meeting of the Association just before adjournment last year, and who has very faithfully served in that position, as I happen to know very well; but, before I introduce him formally, I suggest to the meeting present that it would be advisable that his address be deferred until tomorrow morning. There are a number of people who will be in later who would like very much to hear it.

It was moved by Judge U. L. Marvin that the President be requested to deliver his address at ten o'clock tomorrow; motion seconded. Carried.

CHAIRMAN KING:—I have the pleasure and honor to present to you Judge John N. Van Deman, of Dayton, your President. (Applause.)

The President announced the appointment of the following Reception Committee:

John M. Ormond, Toledo, Chairman,
 Mrs. L. C. Laylin, Columbus, Mrs. W. S. Merrell, Coshocton,
 Mrs. H. M. Roberts, Cleveland, R. K. Ramsey, Sandusky,
 Miss Helen Shauck, Columbus, W. J. Geer, Galion,
 Miss Marguerite Henderson, A. D. Follett, Marietta,
 Lima, A. D. Alcorn, Cincinnati,
 Miss Mary B. Grossman, T. F. Hudson, Springfield.
 Cleveland,

The Secretary read the following letter from General R. C. Ballard Thruston, President General of the Sons of the American Revolution, to President Van Deman:

THE NATIONAL SOCIETY OF THE SONS OF THE
 AMERICAN REVOLUTION

*Office of President General
 Columbia Building,
 Louisville, Ky.*

John N. Van Deman, Esq.,
 President Ohio State Bar Ass'n,
 Dayton, Ohio.

February 2, 1915.

My Dear Mr. Van Deman:

Yours of the 5th ult. reached me whilst I was enjoying the pleasures of an attack of the grip, and being the type of letter that one always feels can be put off to the last, has not been answered before, as I have not been sufficiently free to go into the subject. I find upon investigation, that I can spare one of these little hatchets for the Ohio State Bar Association, and it gives me pleasure to send it to you.

In preparing for the Louisville Congress of our National Society, the thought occurred to me that it would be a good plan to have one of the George Washington hatchets to be used as a gavel on that occasion, so I wrote to our Secretary General, Mr. A. Howard Clark, and asked him to pick out one and

bring it with him. You can generally buy them by the hundred on Pennsylvania Avenue. Of course, when he wanted to get one, he could not find any, so our proceedings were conducted without the little wooden hatchet.

I made up my mind, however, that I would get one, so by dint of a little correspondence I obtained the name of the man who owns Wakefield, the plantation on which General Washington was born, and arranged with him to cut down a slight cherry tree in the winter, so that the wood would not check. From him I obtained two logs, each about five feet long and eight inches in diameter, and after they were thoroughly seasoned, I had them made into hatchets. In the meantime, I had obtained from Mr. Clark, the drawing giving me the size and design of the hatchets used in Colonial days. So the hatchets which I had made, corresponded in size and design with the one which the Father of our Country is supposed to have used on the memorable occasion about which we have heard so much. A little silver plate and the presentation ceremonies at the Syracuse Congress last May, completed the ceremonies so far as I was concerned, but I hope its patriotic influence will last for many years to come. They are unique and have the advantage of being original.

Many of us who have witnessed the administering of oaths in our courts have been impressed with the fact that no human being not familiar with the oath could tell what the officer is saying, and the lack of dignity attending the ceremony leaves a disagreeable impression. Therefore, for the last two or three years, quite a number of our members have been studying the subject of administering the oath of allegiance to aliens. They have been accustomed to so much form and ceremony in their native lands, and there is such a lack of it in ours, that those who come in contact with them, tell me the impression left upon them is not favorable. The result is, that we have taken up this question, with a view of seeing if we cannot bring about a reformation.

I have been studying this question, now, for over a year, and as a result, Commander More, our 1st Vice-President General,

Judge Stockbridge, ex-President General, and Judge of the Supreme Court of Maryland, Mr. A. Howard Clark, Secretary General, and I, have drafted a letter which has been sent to each the President and Secretary of our State Societies, and another letter, which has been sent to all the judges of the courts having jurisdiction over administering the oath of allegiance to aliens. The replies are now coming in. Some of the Judges have already taken up work along the line, and are telling me so in their replies. We hope, that through these letters, as entering wedges, we may be able to accomplish some material good. I think that each of the Bar Associations should also be approached. I will ask Mr. Clark to send you copies of these letters. I wish you would think over them, and if you agree with us, would be very much obliged if you will kindly bring the matter before the Bar Association. It is not an evil that can be corrected at once, but I believe that all the lawyers, when they come to think of it, will recognize its importance.

With regards, I am, Yours very truly,

R. C. BALLARD THRUSTON,
President General.

PRESIDENT VAN DEMAN:—On behalf of General Ballard Thruston, I have the pleasure of presenting to this Bar Association this hatchet for use as a gavel. (Applause.)

The Report of the Committee on Membership was presented by Mr. C. E. Blanchard, of Columbus, as follows:

REPORT OF COMMITTEE ON MEMBERSHIP

To the Ohio State Bar Association:—

Gentlemen:—

Your Committee on Membership begs leave to submit the following report: .

The Committee has secured 84 applications for membership in the Ohio State Bar Association, as follows:

Charles Andrew Alexander	Cleveland
Hugh E. Allen	Van Wert
Newton D. Baker	Cleveland

Walter M. Beinhart	Cincinnati
Charles Edward Brock	Cleveland
Charles M. Caldwell	Waverly
A. C. Calhoun	Lorain
Anthony B. Calvin	Youngstown
A. G. Carpenter	Cleveland
G. Ray Craig	Norwalk
D. M. Cupp	Delaware
Warren W. Diehl	Springfield
D. F. Dunlavy	Ashtabula
Herman A. Dushkind	Cleveland
Karl V. Eiser	Springfield
Harry Edward Engelhardt	Cincinnati
Lyle S. Evans	Chillicothe
C. M. Finfrock	Cleveland
E. M. Fisher	Cleveland
Walter LeRoy Flory	Cleveland
Edward B. Follett	Marietta
Carl B. Ford	Cleveland
John Willard Ford	Youngstown
Frank W. Geiger	Springfield
Charles W. Gilgen	Youngstown
D. Homer Graven	Ashland
Emma E. Gross	Cleveland
William L. Hart	Alliance
F. L. Hay	Defiance
John L. W. Henney	Columbus
Hamilton E. Hoge	Kenton
Joseph W. Horner	Newark
Edwin S. Houck	Springfield
J. L. Johnson	Columbus
Floyd A. Johnston	Springfield
Dan C. Jones	Ironton
W. J. Kennealy	Youngstown
William C. Keough	Cleveland
Donald Kirkpatrick	Springfield
John R. Kistner	Cleveland

Frank M. Krapp	Springfield
Lewis F. Laylin	Columbus
A. C. Link	Springfield
Paul Thomas Mahon	Kenton
Edgar G. Martin	Norwalk
David Meade Massie	Chillicothe
Charles H. Masters	Toledo
Grant E. Mauser	Marion
Donald Franklin Melhorn	Kenton
James Metzenbaum	Cleveland
W. L. Miller	Xenia
D. F. Mills	Sidney
Walter D. Murphy	Cincinnati
Thomas J. McCormick	Springfield
Harry T. McDorman	Springfield
C. Blake McDowell	Akron
J. R. McKnight	Norwalk
John B. McMahon	Toledo
Horace H. Nye	Elyria
Ray J. O'Donnell	Columbus
Merle N. Poe	Findlay
Francis W. Poulson	Cleveland
H. A. Pounds	Elyria
W. R. Pruner	Norwalk
Joseph G. Pyle	Sandusky
George S. Raup	Springfield
Joel Lewis Read	Columbus
Horace G. Redington	Elyria
Morris D. Rice	Osborn
William J. Shaver	Cleveland
A. Talmage Snyder	Canton
Clarence E. Spraul	Cincinnati
Stewart L. Tatum	Springfield
Benjamin H. Schwartz	Cleveland
Glen G. Skiles	Shelby
George W. Tehan	Springfield
Thomas J. Thomas	Youngstown
C. E. Van Deusen	Lorain

E. H. Van Fossan	Lisbon
Melville W. Vickery	Cleveland
Charles M. Wilkins	Warren
Don J. Young	Norwalk
Stephen M. Young	Norwalk
Charles B. Zimmerman	Springfield

Your Committee recommends that they be received as members of the Ohio State Bar Association.

Respectfully submitted,

JOSEPH M. BLAKE, *Secretary.*

LOUIS B. SAWYER,
Chairman.

MR. BLANCHARD:—We move the adoption of this report, and that the Secretary cast the ballot of the Association for the election of these applicants as members of the Ohio State Bar Association.

Motion seconded and carried.

Secretary Charles M. Buss submitted the following report for the year:

Cedar Point, July 6, 1915.

To the Ohio State Bar Association:—

Your Secretary submits the following as his report for the past year:

The report of the proceedings of the Thirty-fifth Annual Meeting, held at Cedar Point, on July 7th, 8th and 9th, 1914, was published under the direction of the Executive Committee, and each member received a copy about the middle of October. The edition comprised sixteen hundred copies.

The demand for copies of the reports of the Association continues to increase, and Volumes 5 and 6 are now out of print. The surplus stock of several other volumes is very low, and it will be necessary to make arrangements to reprint them. Many calls for these back numbers come from Law Libraries, Law Schools and Colleges.

The exchange list is also growing, and copies of reports of other Associations are on file in the Supreme Court Library, at Columbus, where they are accessible to members of the Bar.

The identification badge, provided by the Executive Committee as a means of identifying members of the Association and their families and enabling them to become acquainted, may be had of the Secretary, or at the office of the Association; and members are requested to sign the Association's Register, which will be found at the Secretary's desk in the Convention Hall during the sessions, and at other times at the office.

Many courtesies have been extended to your Secretary by the officers and members of the Association, for which he is indebted, and which are hereby acknowledged.

Respectfully submitted,

CHAS. M. BUSS,
Secretary.

It was moved by Simon M. Johnson, of Cincinnati, that the report be received and filed; motion seconded and carried.

Treasurer Clement R. Gilmore presented the following report for the year:—

TREASURER'S REPORT FOR THE YEAR ENDING JULY 6, 1915.

THE TREASURER CHARGES HIMSELF AS FOLLOWS:

1914			
July 2	To Balance as per Treasurer's Report.....	\$1,200.49	
"	Admissions and Reinstatements, 1914	141.00	
"	Admission Fees, 1915	52.00	
"	Membership Dues, 1913	\$ 42.00	
"	Membership Dues, 1914	1,872.00	
"	Membership Dues, 1915	42.00	
"	Membership Dues, 1916	2.00	
			1,958.00
"	Dividend Brier Hill Steel Co. Stock	43.75	
"	Contribution by an Ex-Officio Member	2.00	
			\$3,397.24

CREDITS ARE TAKEN AS FOLLOWS.

Order
No.

130	Chas. M. Buss, Bal. on 1914 Salary and Expense..	\$ 104.31
131	Britton Printing Co., Programs, etc.	69.50
132	Forman-Bassett Co., Envelopes and Printing	16.45
134	C. R. Gilmore, Salary 1913-14	100.00
135	Ensign N. Brown, Ex. Exec. Com. Meeting, 1914..	45.75
136	Ensign N. Brown, Expense 1914 Meeting	227.39
137	Whitehead & Hoag Co., Badges, 1914 Meeting..	22.85
138	Armstrong & Okey, Reporting 1914 Meeting....	68.50

TREASURER'S REPORT

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139	Groneweg Printing Co., Statements, etc.	18.00	
140	Forman-Bassett Co., Letter Heads and Env.	27.00	
141	C. R. Gilmore, Postage	30.00	
142	Charles M. Buss, Postage and Expense	38.02	
143	Pub. House of Evan. Ass'n., Print. 1914 Report..	567.78	
144	Downey Delivery Co., Cartage	.75	
145	Adams Express Co., Delivering Reports	17.58	
146	W. U. Telegraph Co., Delivering Reports	34.02	
147	Chas. M. Buss, On Account Salary 1914-15	200.00	
148	C. R. Gilmore, On Account Salary 1914-15.....	150.00	
149	John N. Van Deman, Expense Ex. Com. 1915 Meeting	37.81	
150	Edmund B. King, Expense Ex. Com. 1915 Meeting	24.00	
151	John N. Van Deman, Expense Ex. Com. 1915 Meeting	5.05	
152	Norman E. Jones, Printing Programs, etc.	46.10	
153	Whitehead & Hoag Co., Badges 1915 Meeting....	20.24	
154	George H. Ziska, Badges 1915 Meeting	3.25	
155	C. R. Gilmore, Bal. on Salary, Clerk and Exp....	247.92	
156	Chas. M. Buss, Bal. on Salary, Clerk and Exp....	154.40	
Balance July 1, 1915		\$1,120.57	\$3,397.24

THE FOLLOWING IS A SUMMARY OF THE FOREGOING DISBURSEMENTS.

Expense of Annual Meeting of 1914	\$ 376.49	
Expense of Annual Meeting of 1915	95.60	
Printing and Distributing Report of 1914	650.98	
Postage	81.57	
Printing and Stationery	103.50	
Printing Reports of Com. on J. A. & L. R.	54.65	
Secretary: Balance on Salary 1913-14	100.00	
Salary 1914-15	300.00	
Clerk Hire	50.00	
Treasurer: Salary 1913-14	100.00	
Salary 1914-15	300.00	
Clerk Hire	48.80	
Collecting Drafts	7.75	
Sundry Expenses	7.33	
Total Disbursements	\$2,276.67	
Balance: Cash on Hand	\$ 580.57	
Brier Hill Steel Co. Stock	540.00	1,120.57
		\$3,397.24

Three members were reinstated and sixty-three new members were admitted at the annual meeting of 1914.

The deaths of twenty-one members have been reported to the treasurer since the last meeting: of these, five were reported before the secretary's report for the year was printed, and were included in the mortuary list, leaving sixteen names which will be reported by the committee on Legal Biography this year.

Forty resignations were received, as follows:

William Agnew, Cleveland.	S. H. Herbeson, Cleveland.
Charles B. Bayly, Cleveland.	Oscar J. Horn, Cleveland.
Alfred B. Benedict, Cincinnati.	Ben W. Johnson, Toledo.
M. W. Beacom, Cleveland.	William F. Kees, Cleveland.
Alfred A. Benesch, Cleveland.	B. A. Kittinger, Cleveland.
William E. Beall, Cincinnati.	Theo. M. Livesay, Columbus.
Robert B. Burch, Cincinnati.	Charles F. Malsbary, Cincinnati.
James H. Cassidy, Cleveland.	J. C. Mansfield, Cleveland.
R. G. Corwin, Dayton.	Wm. O. Mathews, Cleveland.
M. W. Conway, Cincinnati.	I. K. Schnaitter, Cleveland.
Clifford F. Cordes, Cincinnati.	Charles Sawyer, Cincinnati.
Clinton DeWitt, Cleveland.	J. W. Schaufelberger, Toledo.
John D. Fackler, Cleveland.	Claud E. Sheldon, Windham.
Ben Feniger, Cleveland.	A. E. B. Stephens, Cincinnati.
Nelson W. Frasure, Lancaster.	L. H. Shipman, Troy.
Harry H. Friedman, Cincinnati.	C. J. Scroggs, Bucyrus.
Oscar M. Gottschall, Dayton.	M. M. Shoemaker, Cincinnati.
Charles J. Hammer, Cleveland.	David B. Van Pelt, Dayton.
James T. Harding, Cleveland.	R. A. Wilbur, Cleveland.
F. C. Hartman, Cleveland.	M. C. McNab, Youngstown.

Thirty-eight names were dropped from the rolls for non-payment of dues for the year 1913.

One hundred and fourteen members are in arrears for dues for the year 1914, and under the rules will be suspended if payment is not made during this annual meeting.

THE FOLLOWING IS A SUMMARY OF THE MEMBERSHIP:

Total membership July 7, 1914	1137	
Reinstated and admitted	66	1203
Deaths	21	
Resignations	40	
Dropped	38	
		99
Total membership July 6, 1915		1104

Respectfully submitted,

CLEMENT R. GILMORE, *Treasurer.*

Cedar Point, July 6. 1915.

Audited and found correct.

E. N. BROWN,

SMITH W. BENNETT,

Committee.

TREASURER GILMORE:—In connection with this report, if I may add to it, there are one hundred fourteen members delinquent for dues in 1914, and of these a large number in all probability will be dropped for non-payment of dues, unless some personal solicitation is made. When the number of delinquents amounted to only thirty or forty, I wrote personal letters to them and succeeded in getting most of them to remain in the Association; but I do not know many of these one hundred fourteen, and to send to them a stereotyped letter would not, I believe, have any great effect. It occurred to me that if the powers of the Committee on Admissions should be enlarged so as to make it really a Committee on Membership, with whom the Treasurer might correspond with respect to the delinquents in the respective districts of the various members, it might help in the solution of that problem.

It was moved by Mr. John H. Price, of Cleveland, that the report of the Treasurer be accepted and placed on file; motion seconded and carried.

PRESIDENT VAN DEMAN:—Is there anything further from the Executive Committee?

CHAIRMAN E. B. KING, of the Executive Committee:—Nothing further, except that we have prepared the program which has been printed and is now in the hands of the members. I would like at this time to ask Mr. Brown, of Youngstown, and Mr. Bennett, of Columbus, to audit the accounts of the Treasurer.

PRESIDENT VAN DEMAN:—The Report of the Committee on Judicial Administration and Legal Reform.

JUDGE LOUIS H. WINCH, of Cleveland, Chairman *pro tem* of the Committee:—The Honorable Allen Andrews, Chairman of the Committee, is on a prolonged vacation in the West. The Report of the Committee has been printed, and is in the hands of the members of the Association. The Committee would suggest that the consideration of this report be deferred until tomorrow morning.

PRESIDENT VAN DEMAN:—If there is no objection, that will be done.

No reports were submitted by the Committee on Legal Education and the Committee on Grievances.

Mr. William J. Geer, of Galion, Chairman of the Committee on Legal Biography, presented the following report:

To the Officers and Members of

The Ohio State Bar Association:

The undersigned, your Committee on Legal Biography, submit this, their report, to you, on this 6th day of July, 1915.

We are grieved to learn, and with sadness do we report, that death has taken from our midst, since our last session, the following respected, esteemed and beloved members:

JUDGE HERMAN BRAUN ALBERY.....	Columbus
S. O. BAYLESS.....	Cincinnati.
M. G. BELL.....	Bellefontaine.
JUDGE C. C. BOW.....	Canton.
WALLACE BURCH	Cincinnati.
EVAN D. DAVIS	Gallipolis.
JUDGE WILLIAM L. DICKSON.....	Cincinnati.
T. J. GREEN	Shelby.
NATHAN GUMBLE	Columbus.
DAVID A. HEFFNER.....	Clyde.
FRANK COE HUBBARD.....	Columbus.
JOHN LEDYARD LINCOLN	Cincinnati.
JOHN COOPER LOOMIS	Tiffin.
JUDGE MYRON A. NORRIS	Youngstown.
JUDGE HIRAM D. PECK	Cincinnati.
H. S. PROPHET	Lima.
JUDGE JOHN R. SAYLER.....	Cincinnati.
JUDGE J. FOSTER WILKIN.....	New Philadelphia.
JOHN W. WILDIS	Cleveland.

Respectfully submitted,

W. J. GEER, *Chairman.*

(The Memorials to deceased members will be found at page 112, Appendix.)

It was moved by Judge E. B. King, of Sandusky, that the report of the Committee be received and published in the Proceedings of the Meeting; motion seconded and carried.

The report of the Committee on Legislation was presented by Mr. L. C. Laylin, of Columbus, and is as follows:—

REPORT OF THE COMMITTEE ON LEGISLATION

Columbus, Ohio, July 1, 1915.

To The Ohio State Bar Association:

At the last meeting of the Association, Honorable Edward C. Turner was chosen a member, from the Columbus district, of the Committee on Legislation, and was appointed its chairman. Having been elected Attorney General at the next ensuing state election, Mr. Turner tendered his resignation as chairman and member of the Committee. Thereupon the President of the Association designated the undersigned to assume the place made vacant by such resignation.

At its meeting the Association adopted a resolution favoring the repeal of the act of the General Assembly providing for the registration of land titles, 103 O. L. 945, in so far as the same compels the observance of the act and the registration thereunder by individuals, estates, assignees, trustees, and others acting in trust relations.

The Association referred the resolution to the Committee on Legislation with the request to present the same to the General Assembly at its next session.

In compliance with the request, your committee caused a bill to be drawn embodying the instructions of the Association, which was introduced and duly passed by the General Assembly and approved by the Governor March 8, 1915. Thereupon the act was filed in the office of the Secretary of State March 9, 1915, and at the expiration of ninety days, June 7, 1915, it became law.

The bill amended Section 8572-64 of the General Code so as to permit the registration of land titles in all trust matters therein referred to upon application therefor, with the approval of the court in which such action is pending.

The bill also contained two supplementary sections, designated 8572-64a and 8572-64b. These sections provide that no decree or order of sale or partition heretofore or hereafter made

in any suit, action or proceeding mentioned in section 8572-64, and no sale, conveyance or partition or decree confirming same made in any such suit, action or proceeding, shall be held void or in any wise affected by want of conformity to the requirements of said section.

Such supplementary sections further provide that any person owning real estate, the title to which is registered, may surrender his certificate to the County Recorder, who shall thereupon cancel said certificate of record, and thereafter said title shall be considered the same as if it had never been registered, and all deeds and mortgages heretofore filed conveying registered lands, the registration certificate of which has been surrendered as herein provided for, shall be recorded according to law and thereafter the lands conveyed therein shall be considered the same as if they had never been registered. The provisions of the amendment apply to pending actions, and in all such actions the court may dismiss the cause of action for registration.

A printed copy of the act is presented herewith and made a part of this report.

Respectfully submitted,	
FRANK M. CLEVINGER,	LEWIS C. LAYLIN,
<i>Secretary.</i>	<i>Chairman.</i>

(Senate Bill No. 145)

AN ACT

To amend section 8572-64 of the General Code, to make optional the registration of title of land sold in partition or in suits brought by an assignee or other officer appointed by a court, and to cure defects in such proceedings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8572-64 of the General Code be amended to read as follows:

Sec. 8572-64. In all suits to sell an estate in fee in the whole of unregistered land brought by an assignee or trustee for the benefit of creditors, commissioners of insolvents, receiver, master commissioner, administrator, executor or other person appointed by a court and in all suits to partition unregistered land held in fee, proper allegations and parties necessary to a decree for original registration of the title to said estate *may* be made in the petition, the said allegations to be included in a separate cause of action, and said title, before any order of sale or partition is made or entered in the case *may, with the approval of the court in which such action is pending,* be registered as provided in this act, in the name of the person, whether living or dead, whose title is sought to be sold, or in the names of the tenants in common, as the case may be, except that, if the legal title is in any such assignee, trustee, receiver or other person appointed by a court, the same *may* be so registered and the purposes for which said legal title is held stated in the decree and certificate of title. Upon any such sale or partition and confirmation thereof the title *may* be transferred to and registered in the name of the purchaser or purchasers or allottees as in other cases of judicial sales or partition of registered land. And if such land is not so sold the person entitled thereto may procure a transfer and certificate therefor to be made to him by application to and order of the court, made after hearing upon notice to all persons in interest to be given by the clerk by registered mail or otherwise as the court may direct. In any such suit *where registration of title to land is prayed for* all parties shall for all purposes of the case be brought before the court in the manner provided for original registration in other cases. The court may, for good cause shown, in any case provided for in this section * * * enter an order dispensing with registration or permit the withdrawal of the application to register.

8572-64a. SECTION 2. No decree or order of sale or partition heretofore or hereafter made in any suit, action or proceeding, mentioned in said section 8572-64, and no sale, conveyance or partition or decree confirming the same made in any such

suit, action or proceeding shall be held void or in any wise affected by want of conformity of such suit, action or proceeding to the requirements of said section.

Any person owning real estate the title to which is registered may surrender his certificate to the county recorder, who shall thereupon cancel said certificate of record, and thereafter said title shall be considered the same as if it had never been registered. All deeds and mortgages heretofore filed conveying registered lands, the registration certificate of which has been surrendered as herein provided for, shall be recorded according to law, and thereafter the lands conveyed therein shall be considered the same as if they had never been registered.

8572-64b. SECTION 3. This amendment shall apply to pending actions; and in all such actions the court may dismiss the cause of action for registration.

SECTION 4. That said original section 8572-64 of the General Code be, and the same is hereby, repealed.

SECTION 5. This act is hereby declared to be an emergency act and its enactment necessary for the immediate preservation of the public peace, health and safety. The necessity thereof lies in the fact that the public peace, health and safety require the immediate enactment of the same in order that estates may be expeditiously settled and title to real estate perfected.

CHARLES D. CONOVER,
Speaker of the House of Representatives.

JOHN H. ARNOLD,
President of the Senate.

Passed March 8, 1915.

Approved March 8, 1915.

FRANK B. WILLIS, *Governor.*

Filed in office of Secretary of State March 9, 1915.

It was moved by Judge U. L. Marvin, of Cleveland, that the report of the Committee be accepted; motion seconded and carried.

JUDGE E. B. KING, of Sandusky:—I wish to bring before the Association a matter which should receive early consideration. The Constitution, Article V, provides that there shall be a Vice-President elected from each Judicial District, and certain Standing Committees shall be appointed by the President, with the approval of the Association, and each Standing Committee shall be composed of one member from each Judicial District represented in the Association. The Judicial Districts referred to are the Common Pleas Judicial Districts of the State, which have been abolished and are no longer in existence. Some step should now be taken to correct this. It has been suggested that these districts should be the Appellate Districts, but that would reduce the number to eight. That might be just as well. I do not know. I am simply offering the suggestion.

MR. SIMEON M. JOHNSON, of Cincinnati:—Mr. President, I move that a Committee of five be appointed, of which Judge King shall be the chairman, to report to this meeting an amendment to the Constitution which will cover this point, to be acted on by the Association tomorrow morning.

Motion seconded and carried.

The President, pursuant to the above motion, announced the appointment of the following Committee:—

Judge E. B. King, of Sandusky, Chairman;
Mr. Simeon M. Johnson, of Cincinnati;
Mr. Chester W. Merrill, of Cincinnati;
Mr. Smith W. Bennett, of Columbus; and,
Mr. William J. Geer, of Galion.

MR. GEORGE R. YOUNG, of Dayton:—If I am in order, I desire for a moment to call the attention of the Association to the gavel presented by General Thruston, and also to his letter, which was read by the Secretary. I have the honor to know General Thruston quite well personally, and I know how deeply both he and the great national organization he represents are interested in everything which conduces to the welfare and prosperity of our people; and I feel that we ought not to let this

occasion pass without showing in some fitting manner our appreciation of his gift, and without complying with the request of his letter. For that purpose, therefore, Mr. President, I have formulated two brief resolutions, which, with your permission, I will read. The first is this:

Resolved, That the Ohio State Bar Association, in annual meeting assembled, at Cedar Point, Ohio, does hereby extend to General R. C. Ballard Thruston, President General of the Sons of the American Revolution, its very sincere thanks for the Washington hatchet gavel kindly presented by him to said Association for use at its meetings;

And, further, that a copy of this resolution be sent to General Thruston by the Secretary of the Association.

Mr. President, I move the adoption of this resolution.

Motion seconded and carried.

MR. YOUNG:—The other resolution, Mr. President, is as follows:

Resolved, That the Ohio State Bar Association, in annual meeting assembled, at Cedar Point, Ohio, does hereby most fully concur with the Sons of the American Revolution in the patriotic sentiments expressed by them relating to the nature of the ceremonies which should attend the admission of foreigners to citizenship in the United States, and that it does hereby pledge to them its cordial support and assistance in their commendable efforts to enhance the solemnity of the administration of the oath to naturalized citizens, to encourage the use of more impressive ceremonies in that connection, and to endeavor in every way to more fully impress upon those admitted to citizenship a realizing sense of the responsibilities assumed by them as American citizens;

And, further, that a copy of this resolution be transmitted by the Secretary of the Association to all Ohio Congressmen and to the United States District Judges in the Sixth Circuit, and also to General R. C. Ballard Thruston, President General of the Sons of the American Revolution.

I move the adoption of the resolution.

Motion seconded and carried.

The Chairman of the Executive Committee announced that the meetings of the Association following this session would be held in the Convention Hall.

MR. SMITH W. BENNETT, of Columbus:—Mr. President, I move that there be referred to the Executive Committee of this Association the question of the advisability of holding a mid-winter meeting in some city of the state.

Motion seconded.

MR. BENNETT:—In presenting this, I merely wish to suggest that at this time, at a summer meeting, we are so far removed from the active subjects of legislation, that we ought to have a nearer view of them by having a mid-winter meeting, and that anterior to the meeting of the General Assembly of this State. If this Organization is to have any effect upon the statute law, which its members, as attorneys, are required to follow and observe, and the courts to construe, we should have a nearer approach to that legislation. The subjects of it are not now known. There will be plenty of them before the coming holidays. My own idea—and it is left entirely to the discretion of the Executive Committee under my motion—would be to have a mid-winter meeting prior to the first of January in the City of Cleveland, or some other city of the state, which that committee might select.

JUDGE U. L. MARVIN, of Cleveland:—I do not understand from the motion that the Committee may call such meeting, but that they shall report at some later session of this meeting.

PRESIDENT VAN DEMAN:—That is not included in the motion.

MR. SIMEON M. JOHNSON, of Cincinnati:—There is no meeting of the Legislature for a year.

Motion carried.

On motion, the Association recessed to ten o'clock, Wednesday morning, July 7th, 1915.

SECOND SESSION

Tuesday Evening

July 6th, 1915

Eight O'clock

SOCIAL:—

Reception and Dance

THIRD SESSION

Wednesday Morning

July 7th, 1915

Ten O'clock

The meeting was called to order at ten o'clock in the Convention Hall, by President Van Deman.

CHAIRMAN E. B. KING, of the Special Committee:—The Committee appointed yesterday to consider an amendment to the Constitution is ready with its report. As you will remember, Article V provides for the election of Vice-Presidents, and Article VI, for the appointment of Standing Committees. I will read the Report:

July 7, 1915.

To The Ohio State Bar Association:

Your Special Committee makes the following recommendation:

That the First Paragraph of Section VI of the Constitution be amended to read as follows:

“VI. Committees. The President shall, with the approval of the Association, appoint the following Standing Committees: An Executive Committee, a Committee on Membership, a Committee on Judicial Administration and Legal Reform, a Committee on Legal Education, a Committee on Grievances, a Committee on Legal Biography and a Committee on Legislation; and each Standing Committee and the Vice-Presidents shall be composed of one member *from each Common Pleas*

Judicial District, as such Districts existed in 1914, represented in the Association. A majority of the members of every Committee who may be present at a meeting of the Association shall constitute a quorum of such Committee for the purposes of such meeting."

Respectfully submitted,

E. B. KING,

SIMEON M. JOHNSON,

CHESTER W. MERRILL,

W. J. GEEB,

SMITH W. BENNETT.

Judge King moved the adoption of the report; motion seconded.

At the suggestion of W. S. Merrell, of Coshocton, the Committee amended its report by changing the words "as such Districts existed in 1914," to read "as such Districts existed prior to 1914."

Motion to adopt the report carried.

MR. C. W. MERRILL, of Cincinnati:—While we are on that subject, will the President, as heretofore, appoint the Committees selected by the members from the several Districts?

PRESIDENT VAN DEMAN:—The practice will be followed as heretofore.

President Van Deman presented his Annual Address, as follows:

(The address of President Van Deman will be found at page 62, Appendix.)

PRESIDENT VAN DEMAN:—The order of the day is the address of Judge Charles W. Dustin, of Dayton, "Government Ownership of Railroads." Judge Dustin is not only a good lawyer, but has served well upon the Common Pleas and Circuit benches, and in addition to that he has a great fund of information which he has gathered from extensive travel; and he will present to us, I know, a most interesting and delightful paper. Judge Dustin. (Applause.)

(The address of Judge Dustin will be found on page 72, Appendix.)

MR. D. C. HENDERSON, of Lima:—I move that a vote of thanks be extended to Judge Dustin for his excellent address, and that it be included in the printed report of the session.

Motion seconded and carried.

On motion, the Association recessed to two o'clock, Wednesday afternoon, July 7th, 1915.

FOURTH SESSION

Wednesday Afternoon

July 7th, 1915

Two O'clock

PRESIDENT VAN DEMAN:—We had expected to have the pleasure of the presence of the Governor for a little while, but I received a telegram from him this morning, or from his Secretary, saying that the Governor regrets exceedingly that pressing official business there makes it impossible for him to attend the Bar Association meeting; but he sends his greetings and best wishes. (Applause.)

We have the honor and pleasure today of having with us a distinguished son of the West, who has gone to the East to teach them the law, in the person of Professor Roscoe Pound, who was born and reared in Nebraska, sat upon the Supreme Court of Nebraska, and has left the practice of the law, after going off of the bench, to go to Harvard and to teach the young men the law, and who is here today with a message for us. I take great pleasure in introducing to you Judge Pound, formerly of Nebraska and now of Boston. (Applause.)

PROFESSOR ROSCOE POUND, of Harvard University, Cambridge, Massachusetts, in addressing the Ohio State Bar Association, on the subject, "Making Law and Finding Law," said:—

(The address of Professor Pound will be found at page 94, Appendix.)

MR. SIMEON M. JOHNSON, of Cincinnati:—I move that the thanks of the Association be tendered to Professor Pound for his magnificent and instructive address.

Motion seconded and unanimously carried by rising vote.

PRESIDENT VAN DEMAN:—We will now take up the order of business, which is the Report of the Committee on Judicial Administration and Legal Reform.

JUDGE LOUIS H. WINCH, of Cleveland, Chairman *pro tem* of the Committee:—Mr. President and Fellow Members: As was explained yesterday, on account of the prolonged vacation in the West of the Honorable Allen Andrews, chairman of the Committee, it has fallen to me to present to you the report of the Committee. That report having been printed and mailed to each member of the Association some two weeks ago, it leaves very little work for the Committee to do in presenting it. You are undoubtedly familiar with the recommendations of the Committee, and it will be for me simply to present them to you one at a time, with a short explanation of what they are about.

The first recommendation of the Committee is this:

“That a special committee be appointed to urge before the next Legislature the importance of providing by law that the Chief Justice of the Supreme Court and such other judges of the several courts of the State and other persons, to be designated by the Chief Justice, as may be prescribed by law, be empowered to make rules relating to matters of pleading, practice and procedure in the several courts of the State, such rules to supersede the provisions of the code of civil procedure upon kindred matters, and that the Chief Justice of the Supreme Court of Ohio be made the real executive head of the judicial department of the State.”

Recommendations on this subject were approved at the last session of the Association.

The commission appointed by the Governor on the matter of judicial reform reported in favor of the general reform so approved.

House Bill No. 643, introduced by Mr. Merkel, of Cleveland, embodied these recommendations, but was never reported out from committee.

Your committee had much correspondence with members of the Legislature in an effort to get action on this matter, but without results.

We consider this subject of the greatest importance to the profession and yet believe nothing will be accomplished along this line unless special and long continued effort is made by a special committee authorized by the Association to represent the Association in urging its adoption before the next session of the General Assembly.

This is a simple matter. It was adopted substantially in the form recommended here by your Association at the meeting last year, and all that is intended by this resolution is to appoint a committee to take the matter in hand; not to limit them, but rather to prescribe their duties in the last part of the recommendation found here, so that they can take the matter up with the members of the Legislature, as they are elected, with those interested in the subject, and with the Legislature and its committees after they organize, which will be a year and a half from now, and produce some results along the lines which you have already said you favor. The committee that had the matter in charge last year had no authority delegated to it by the Association to represent the Association before the Legislature, and, although it tried to bring the matter to the attention of the Legislature, and although the Commission appointed by the last Governor worked along the same lines substantially, nothing was accomplished. On the other hand, you heard yesterday the report of the special committee appointed last year to procure the amendment of the Torrens law to the effect that they had accomplished all they started out to do. Judge Follett, who is on the Commission appointed by the Governor, has suggested that the recommendation of the committee be amended in one respect, and on behalf of the committee, I may say that we are prepared to accept his amendment.

JUDGE E. B. FOLLETT, of Marietta:—Mr. President, the statement which I made to Judge Winch was that I was in favor of following the recommendation of the Commission ap-

pointed by the Governor, to have these rules formulated by the Supreme Court, rather than by a committee or commission appointed by the chief justice, because I believe the chief justice, if he were to choose these persons, would choose them from all over the State,—busy judges and busy lawyers, because able judges and able lawyers are busy,—and it would be hard to get them together, hard to hold them together when they were once assembled, and, therefore, the time given for consideration and deliberation of these matters would be extremely limited. I thought it would be far better to have the Supreme Court itself, possibly with such assistance as they might request by the choice of an advisory committee.

(The Committee thereupon amended its recommendation by inserting after the word “the” in the third line, the words “Supreme Court of Ohio or”.)

It was moved and seconded that the recommendation of the Committee, as amended, be adopted.

JUDGE J. R. JOHNSTON, of Youngstown:—I have been a member of this Association since its birth. I have heard a good many recommendations presented, and I am glad to see that a great many of them have been adopted by the Legislature. But so far as this proposition is concerned, it occurs to me that I have never seen a more objectionable proposition presented to this body. (Laughter and applause.) It is stated here in a note that it was recommended last year. I was here last year. I did not hear this matter discussed; don’t know anything about it; but undoubtedly the committee is correct in stating that; but how many were present when it was adopted I do not know. It is stated in a note further that the matter was presented to the Legislature by a bill, and that the Legislature got it as far along as to place it in the hands of the Committee on Judiciary, and never did get it out of there; and I don’t wonder at it! Government by commission! Why, we have too much of it now! And I do not care whether it is to go into the hands of the Supreme Court, or whether it is to go into the hands of a commission to be appointed by the chief justice. I would feel, if I were a legislator, like looking at the

Constitution and seeing what it says about it. The Constitution of our State says that the legislative power of the State shall be vested in the House of Representatives and a Senate elected by the people. That is enough to condemn that proposition. There is more of the proposition than has been read here. It provides that after this appointment is made, or if the Supreme Court should be selected as the Commission, then they shall be empowered to make rules relating to matters of pleading, practice and procedure in the several courts of the State, such rules to supersede the provisions of the code of civil procedure upon kindred matters. That is, no matter what the Legislature may have done in the past, no matter what it may have established in reference to those subjects, when this commission acts, all that is superseded and wiped out by the mere dictum of a commission. That is not my theory of government. That is not the theory of government that was spoken of a few moments ago from this platform. That is not the theory of making law that has been taught us here today or that has been taught us in the past. And I do not believe in it. Another thing: I suppose that when the Legislative Committee commenced to examine this question, they found first that it was in conflict with the Constitution; that is, that you could not take out of the hands of the Legislature the power to legislate on the subject; and I suppose some inquiring mind might have gone further and found out that the Legislature could not delegate that authority to anybody else. Either proposition would be sufficient to condemn the proposition. That is not all. A man who was of an inquiring turn of mind might look around further and seek the Senegambian in the 'fuel somewhere, and he would find it if he looked far enough. (Laughter.) Because a commission does not set well in this State; we do not care to create five or six or seven offices in this State, with a salary commensurate to the duties performed by the person selected. The Legislature would naturally hesitate, and I do not wonder, Mr. President, that the committee never reported back that bill. I, therefore, move the indefinite postponement of this whole matter.

MR. CHESTER W. MERRILL, of Cincinnati:—I am afraid the gentleman has only partially examined the Constitution of the State of Ohio. The Constitution of the State of Ohio does provide that the legislative power is vested in the Legislature, but it has a further provision for judicial procedure being vested in the courts, and the power of making rules of procedure is not a legislative function but a judicial function, and the whole matter of judicial procedure and the forms of practice have been created by the judges, originally by the courts of England and the courts of this country. Every lawyer here knows that the common law rules of practice and procedure were not adopted by the Parliament of Great Britain, but were adopted by the judges, just as the Legislature makes its own rules, just as every commercial body and every other political body makes its rules of procedure. It is not a legislative function, but it is a judicial function. All the rules of practice and procedure originated with the judges of the courts, and existed until it was determined that we needed a simpler form of practice, when it occurred to the Legislature that the proper procedure would have to be by the substitution of a code; but many of the lawyers have always doubted the legality of that code, inasmuch as the Legislature in creating that code had usurped a judicial function.

The American Bar Association has provided for the same thing. The act was prepared with great care by the American Bar Association, that the judges of the Supreme Court of the United States should promulgate rules of equity practice, and the Supreme Court judges did prepare those rules, and they have been so satisfactory that by an overwhelming vote the American Bar Association voted to prepare a bill which has been presented and will pass the next Congress, providing that the judges of the Supreme Court of the United States shall prepare rules of practice at common law for the Federal courts in this country. Undoubtedly if this measure is passed, the different courts of the States will adopt largely those rules, and we shall have a uniform system of practice over the country. Now, the able gentleman who preceded me insists that this

is a legislative function. I say to him that the American Bar Association and Congress have differed with him on that proposition, and have regarded it no more a legislative function for the judges to prepare rules for the trial of their cases than it is a judicial function for the Legislature of Ohio to make its own rules of parliamentary practice. I hope that this will be adopted. I want to propose an amendment later, when we come to that point, but I see no reason why it should not be done. The Legislature has provided already that our municipal courts shall prepare and adopt rules for their practice, and they have done it successfully, and nobody before has raised the question that they are usurping the functions of the Legislature of Ohio.

JUDGE D. J. NYE, of Elyria:—It seems to me that this is a very dangerous proposition to adopt. It is different from what you would have in any statute, because, if you amend the statute, you repeal some other statute perhaps; you do not say in your statutes of Ohio that "this shall supersede all statutes which are in conflict with it," and then have to look through a large number of statutes to find out what it is in conflict with. But see this amendment, Mr. President,—that they be empowered to make rules relating to the matter of pleading, practice and procedure in the several courts of the State, such rules to supersede the provisions of the code of civil procedure upon kindred matters. You take up your statute and you read it and find out what the rule is, and what the statute provides for. Someone says it does not apply because you have a rule of court. That is to say, you have got a rule adopted by somebody, and it is found somewhere, that does away with the statute of the State of Ohio. That is what this says. And you get a conflict right there, and your courts have got to stop and decide whether that is right or whether it is wrong. I am opposed to this measure; I am opposed to a rule fixed like this that shall do away with the statutes of the State of Ohio. I think the Legislature should be the supreme body of the State to pass laws.

JUDGE J. R. JOHNSTON, of Youngstown:—I am still of the

opinion that we have too much government by commissions. I am further of the opinion that the provisions which are embodied in this recommendation go much further than my friend has suggested. It is not the mere adoption of rules by the Supreme Court for their government, but it says that these rules, when adopted, shall supersede the acts of the Legislature on that subject. It wipes out our entire code of civil procedure.

JUDGE FOLLETT:—Not at all.

JUDGE JOHNSTON:—Why don't it? What does it mean? Let's see now. And then there is the last provision of the recommendation, "that the chief justice of the Supreme Court of Ohio be made the real executive head of the judicial department of the State." Now, I do not know exactly what that means. May be I am a little more dense than people ordinarily are, but I do not understand what that means,—that he shall be the real executive head of the courts of the State. Shall he appoint the judges? Shall he take hold of the entire legal machinery and run it? What does it mean? I don't know. Who is there on the committee that can tell us what that means? (Laughter.) If there is any one, let him stand up and explain it. The language as to superseding acts of the Legislature means much more than my friend has undertaken to tell you. Who is going to tell you when you shall file a petition? Who is going to tell you what it shall contain? Who is going to tell you who shall be the parties? And all these things? Put it all in the hands of the chief executive? Gentlemen, we have enough variations from the established rules of procedure, without making such a variation as this. It is not every movement, Gentlemen, that is a progressive movement. I have seen people move backward. (Laughter.) And it is dangerous, depending on what is behind you. As long as we are moving forward, we are making progress. But don't let us take a step backward. We have a code which has been enacted by our Legislature, and it is a model code. You cannot find a better one in the entire United States, and a number of the State codes have been fashioned after ours. Yet you want to wipe it all out by a commission appointed by the chief

justice, who shall be the executive head of the law department of the State. (Applause.)

MR. SIMEON M. JOHNSON, of Cincinnati:—I hate for the Johnsons not to be together. Yet I am not in favor of the present recommendation. I think it is crude. I think it ought to be referred back. It ought to be put in a more acceptable form. Now, I speak with some modesty.

JUDGE JOHNSTON:—You are always modest.

MR. JOHNSON:—Oh, that is very kind of you. I have the honor to be on a committee that there was too much Johnson on. There was a committee appointed by the Governor last year. It had most comprehensive duties to report, very little power to act, but the act under which they were appointed was called an act of the Legislature to investigate the judicial system of Ohio. There were three Johnsons on that committee. I wish my friend had been there. He would have been a convert before he got through. The Honorable James G. Johnson, of the Supreme Court, H. H. Johnson, of Cleveland, and your humble servant; but, apart from the present speaker, the committee was splendidly constituted: Judge Johnson, of the Supreme Court; Judge Wanamaker, of the Supreme Court; Mr. Tolles, of Cleveland, a very eminent lawyer; Mr. Johnson, of Cleveland; Mr. Conn; Judge Follett; Mr. Meyer, who was a business man; he helped the committee wonderfully; he had been president of the Credit Men's Association of the United States; Mr. Horwitz; Judge Stahl; I believe I have mentioned all of them.

I want to trespass enough on the time of this convention to read some of this report. My friend there never took enough trouble to come before us. I have no doubt we would have been greatly enlightened by his views, but not by the constitutional views he takes. I am going to ask this convention to hear from Judge Pound, for we heard from him, and we invoked him also as an expert; so I trust before I take my seat I may have the opportunity of asking the President of this Association to call upon him.

Numerous sessions of the committee were held. The bar of the State,—my friend among the number,—many civic bodies, and the public generally were invited to attend our deliberations. It is gratifying to state that this invitation was to some extent availed of and much help obtained thereby.

“We are unanimously of the opinion that delay and expense in the administration of justice will be greatly lessened by the simplification and modification from time to time of the laws and rules of procedure and practice, both civil and criminal, and as also affecting appeals and error proceedings from the orders of boards and officers through the adoption of the proposed bill which is hereto attached and made part of this report, marked for identification exhibit one, (I read this portion from the report), whereby the Supreme Court of the State is given plenary power from time to time to prescribe the forms and manner of service of writs and all other process, the mode and manner of framing and filing proceedings and pleading, of giving notice, of serving process of all kinds, of taking and obtaining evidence, of drawing, entering and enrolling orders, judgments and decrees, and generally to regulate and prescribe by rules the forms of the entire pleading, practice and procedure to be used in all courts of the State. The plan proposed and the end to be secured is a common sense one, and will preserve all wise, tried and proved provisions of our present code, such code remaining unaffected until by the deliberate action of the court, when fully informed, special provisions of such code from time to time be abrogated or amended. We believe, after mature deliberation, that the Supreme Court is the proper body to which this labor, judicial in its nature, should be committed. The court is, in our judgment, best equipped for the task both by its full knowledge of the law and its ripe experience. Sound public opinion throughout the State, expressed—and it was to this committee—through representatives of many public bodies and associations, civic, commercial and legal, unites in asking that this grave and important duty be committed to the highest tribunal in the State.”

Now, I say that in my humble judgment the measure as

drawn is crude. It is open to objection because it seems to me it could be made more certain and it could be made in a manner that would perhaps be more—I won't say intelligible—but be plainer. It reads now "that a special committee be appointed to urge before the next Legislature the importance of providing by law that the Supreme Court of Ohio or the chief justice of the Supreme Court and such other judges of the several courts of the State and other persons, to be designated by the chief justice, as may be prescribed by law, be empowered to make rules relating to matters of pleading, practice and procedure in the several courts of the State, such rules to supersede the provisions of the code of civil procedure upon kindred matters, and that the Chief Justice of the Supreme Court of Ohio be made the real executive head of the judicial department of the State." You know a man does not like to see his own baby mangled. We think it ought to be the Supreme Court of the State. We think that that court should have the power, and should perhaps be given the power to summon in others if it is deemed advisable; but I think the measure is not expressed in clear enough terms. It is too general, and while discussion ought to be welcomed from every side of this question, it ought to go back to the committee.

I do not believe that the code of this State is such an idol that we ought to fall down and worship it. I know of one provision where some selfish corporation lawyers, as they say, went up and got a law that if the number of stockholders—I forget the number—it wasn't very large—happened to be residents of a county, the company might move for a change of venue. A lot of it is obsolete; a lot of it has been dictated by the most selfish interests. It is not intended in any way that we are going to obliterate and abolish the entire code of procedure by some dictate or mandate of the Supreme Court. It simply means where it is obsolete, it may be changed; instead of being rigid and inelastic, it shall be flexible, progressive, according to modern conditions; instead of waiting for a Legislature to pass on it, when the exigency is immediate, that we shall have a court that knows those conditions, and shall, upon argu-

ment and consideration from my friend, who I know would enlighten them and help them, frame a rule that would place him and every body else in a situation consonant with the principles of justice. I am heartily in favor of the principle of this, but I think it might be better drawn. I, therefore, move that it be referred back to the Committee, to report again at the meeting next year. There is no haste about this matter. We do not have any Legislature, thank God, the coming year, (Laughter) but will have one the year following.

Motion seconded by Chester W. Merrill, of Cincinnati.

PRESIDENT VAN DEMAN:—Mr. Johnson suggested that if Judge Pound had a word for us, we would be glad to hear him. I know the Association will be.

PROF. ROSCOE POUND:—Mr. President and Gentlemen, in getting up to speak about this matter, after already exhausting my store of views on the law this afternoon, I feel a little like a student of mine whose examination book I was reading just before I came here. He was supposed to take a four hour examination on equity, and I propounded ten trifling questions, which would give him twenty-five minutes on each. He sat in that examination, as the proctor's note on the book showed, three hours and thirty minutes, and this is what I read, "After carefully reading these questions and pondering them diligently for three hours and a half, I find that I have nothing to say." (Laughter.)

This is a subject, however, on which really one ought to have something to say, because it is, I suppose, one of the live questions in American law at the present time. It is one that has been very carefully considered by the American Bar Association ever since 1907, when it was first discussed. It has been discussed extensively by the Committee which drew the new practice act in New Jersey. It was discussed critically before the Colorado Bar Association before the adoption of the statute now in force in that State to the same effect. It has been carefully discussed at three successive sessions of Congress before the Judiciary Committees in the Senate and House. It has been the subject of an elaborate report by the new code

commission in New York, and generally has received a great deal of attention.

First, as to this matter of constitutionality, which is the point that naturally first attracts everyone's notice. That has been canvassed very carefully, and I think all who have studied the matter have ultimately come to the conclusion that there is no constitutional difficulty, although I confess it does appear at first, so used are we to codes and practice acts, that there is great difficulty.

What is an executive, a legislative, or a judicial function? Let us bear in mind that we cannot settle that analytically. If we did, it would be almost impossible to conduct the affairs of government. Some of our States started out to draw fine, rigid, analytical lines; but happily in Ohio, a long time ago, the Supreme Court of this State said that question could not be handled in that way, that you have to ask, "What were the powers exercised by the judges, what were the powers exercised by Parliament, and what were the powers exercised by the Crown at the time when our constitutions adopted this theory of the separation of powers?" That has been settled, not only generally throughout the Union, but by old and well established decisions in this State, which, of course, you know better than I. Reference may be made to *State v. Harmon*, 31 Ohio St. 250, 258. When we come to look into the history of this matter, the English courts had full and complete control of practice and procedure and Parliament did not think of interfering down to the common law procedure act of 1831, and, not being hampered by a constitution, Parliament could in common phrase, of course, "butt into" anytime it chose. Prior to that time the practice in the courts was governed by *regulae generales*, or general rules, which were adopted for all the courts by a council of the Judges of the superior courts at Westminster, and if you will look into Tidd's Practice, which was the authoritative book on English procedure at the time our constitutions were adopted, you will find there a schedule of these rules, showing when they were adopted, and you will find that there were in force, down to the time when the Judicature Act changed this whole matter,

rules of procedure which had been adopted, some of them, by the judges as far back as Richard II, many of them adopted in the reign of Elizabeth, many in the reign of James I; in other words, at the time of the colonization of this country, it was the thoroughly settled English practice that the details of procedure were to be determined by rules of court. See 1 Tidd Practice, (8 Ed) page XLIV. Parliament only could change the substantive law; the judges could not change a jot or tittle of the substantive law; but practice was a matter for the judges to deal with as the exigencies of the administration of justice required. This is not a mere matter of theory. It has been judicially settled in this country by the highest authority on constitutional law that we can invoke, that this is a judicial function.

At the end of the first third of the nineteenth century, at the recommendation of Mr. Justice Story, who was chiefly instrumental in the matter, Congress enacted that the Supreme Court of the United States might frame rules governing equity practice in the Federal courts; and in three decisions, in the most important of which the opinion was rendered by Justice Story, the Supreme Court of the United States said that the power to regulate procedure and practice in the court by rules of court is a judicial power, and there cannot be any question of the competency of the courts to exercise it. In fact they said the statute was not necessary. See remarks of Story, J., in *Beard v. Haughton*, 9 Pet. 358. The Congress next committed practice in admiralty cases to rules to be framed by the Supreme Court. This was done in 1842. Next, in 1898, they turned bankruptcy practice over to regulation by rules of court. Next, in 1909, they turned over the regulation of practice in copyright cases. The same power was given to the Commerce Court by the Act of 1911. So that in equity cases, in admiralty cases, in bankruptcy cases, and in copyright cases, the power to regulate every detail of procedure is exercised by the Supreme Court of the United States through rules of court.

But it did not stop there. The American Bar Association presently recommended that this same power be conferred upon

the Supreme Court of the United States with respect to practice at law in the Federal courts. I was a member of the committee which first urged this, and afterwards appeared on three different occasions before the Judiciary Committee in the House and Senate when this matter was under discussion, and I can assure you it was very thoroughly discussed, because the members of that committee not unnaturally were all, I may say, "from Missouri" in reference to this matter when it was presented. They recommended it in successive sessions, but the Act was held up at the last moment by some amendments of minor importance which do not affect the principle at all. There seems no doubt that the next Congress will pass the measure, as there is no longer any opposition.

You can see this matter has been very thoroughly canvassed, and its constitutionality has been passed upon by authorities who are certainly entitled to a great deal of weight everywhere. But, the Code Commission in New York has also studied this matter, a committee composed of John G. Milburn, Adelbert Moot, Adolph J. Rodenbeck, and a number of lawyers whose names are familiar to the bar throughout the country; and they have come to the same conclusion, and have recommended this practice for New York, and I suppose their report is probably just coming from the press and will be at hand within a day or two. When I left Cambridge I was told it was about to issue, so that there is ample material for you to consider on this matter, if you have any doubt upon it.

If I may say just a word upon the general theory of this committing of practice to rules of court. As I said originally, that was the usual way in which the English practice was regulated. This is, therefore, simply restoring to the courts one of their ordinary common law powers, one that never ought to have been taken from them, and one that never would have been taken from them in my judgment if the judges in New York in 1847 had not been so obstinately conservative that they would not alter a detail of the old procedure inherited from England, and compelled the invoking of the legislative steam-roller in 1847. The way to avoid that is to put the power to

govern procedure back where it ought to be, and entrust the making of rules of procedure to those who have to apply and interpret them. One of the principal difficulties which has been met with in codes of procedure has been that the legislature made the rules and the court interpreted them, and there was often a notable want of sympathy on the part of those who applied the rule with the rule as made for them by others. Now, if those who formulate the rule interpret it, you may be sure that you will be free from the difficulties which have injured so many well-drawn practice acts.

But, a more important point; this practice of regulating procedure by rules of court is not anything new. It has been exercised in the Supreme Court of the United States in equity cases for three-quarters of a century. It has been exercised by the courts in England since '75. It has been in force in New Jersey since 1912, and Colorado since 1913, and is in force as to administrative tribunals in no less than twenty-four states. We can know just how it works, and it has worked admirably. The first rule of the English judges was that all of the rules of the practice as it then existed should stand unless and until they were abrogated. Then they made changes one by one as they were needed. Instead of having wholesale changes by enacting a great big code which has to be studied from end to end, these changes were made gradually as the exigencies of the administration of justice called for them. When some rule worked badly, the court had before it the concrete instance of how it worked badly, and set to work to make a new rule to meet the case. For instance, some years ago a case was decided in the English Court of Appeals involving a question of costs. The rule as to costs had been adopted in 1875, and had been working pretty well, but in this particular case something arose that never had been thought of before, and it worked very badly, and the judges of the Court of Appeals expressed their grave dissatisfaction with a rule that compelled them to decide that case as they had to do. The next day a council of judges was called and a new rule was then and there promulgated that gets around the difficulty. See *Ebrard v. Gassier*, 28 Ch. Div. 632. What

would happen in this country? This case would be decided; lawyers would comment on it; the court would say, "It is too bad we have to do this;" a bar association committee would call attention to it at the next meeting of the association; then there would be grave objection by those who did not understand it; it would go over another year; and at the end of four or five years it might possibly happen that the Legislature would enact a rule which would then be just as rigid and as unalterable as the one that was changed.

What is needed in a practical matter of this sort is the possibility of making changes when they are needed, to have the new rule made by the people who have to apply and interpret it, to have it made with reference to concrete cases, and to have pleading and practice develop from experience, just exactly as three-quarters of our ordinary substantive law does. If we could have the flexibility and power of growth in procedure that we have in our substantive law, I venture to say we should have had very little difficulty with practice in this country.

Let me see how many of you are in favor of a civil code? Wouldn't my learned friend here cry out at the top of his voice at such a proposition? But the very considerations that speak against a hard and fast substantive law speak fourfold against a fixed code of practice. I say everything which in your own minds urges you instinctively against a civil code ought to urge you against putting procedure into a like iron mold and in favor of leaving that in the hands of those upon whom rests the responsibility of making the judicial machinery achieve justice in its every day operation.

MR. SIMEON M. JOHNSON, of Cincinnati:—I withdraw my motion. I think it is more important that we act for the principle now, in the light of Professor Pound's exposition of the subject, than to be steadfast in getting simply the bill that we recommended.

PRESIDENT VAN DEMAN:—Has Mr. Johnson leave to withdraw the motion to re-commit?

JUDGE LOUIS H. WINCH, of the Committee:—I wanted to say on that motion, before we consent to its withdrawal, that

perhaps it is not wise to withdraw it for two reasons. The committee does not believe in haste about an important matter of this kind. It does not want to force any recommendation upon the Association, and it perhaps is necessary for a little further study of this very important matter on the part of some of the members of the Association so that they will fully understand it. They are not all here today. Mr. Johnson has told us of the child of the commission which was left a foundling upon the doorsteps of the Legislature in Columbus. Others of us sometimes have children that we want taken care of by our friends, and we have two of our own. The recommendation that the rules committee be composed of the chief justice and others appointed by him, in accordance with the practice in England, rather than by the Supreme Court itself, is a child here locally of the Cleveland Bar Association a year ago, as you will find by reading your record of last year's proceedings, by a written vote of two hundred seventy-two to twenty-four; and it is a child of your own Association last year by a vote which was a majority vote, at least—it is not stated what the majority was. There are two to take care of besides yours, and it would be well, in appointing a committee to study this matter and to present it to the next Legislature, to leave that committee free to adopt either your child or the child of last year. Do not tie the hands of the committee. But I am in favor of a committee being appointed, and I want to see Mr. Johnson on the committee, and I want to see Judge Follett on the committee,—men who have given study to the subject, who will study it further, and have time to study it further, and present such a suggestion to the Legislature that everyone of us, having time to know what it will be, will be in favor of it and will urge it upon our local representatives.

MR. GEORGE W. SIEBER, of Akron:—I would like to ask a question of Judge Pound. Judge Pound, does the act of Congress, of which you have spoken, repeal legislative enactments pertaining to procedure as they now exist?

PROF. POUND:—With respect to the equity and admiralty rules it was not necessary, but the act passed in 1912 expressly

authorized all statutes dealing purely with practice and procedure to be abrogated.

MR. SIEBER:—Is it proposed by the act as contemplated by New York to repeal their code of civil procedure?

PROF. POUND:—It is, but there are two different plans in consideration there. One plan is to turn this matter over entirely to rules of court and allow the code to be abrogated piecemeal. The other plan is to have a short practice act running to about fifty or sixty sections, and then turn the rest over, and between those plans a choice has not yet been made; but practically, either way, the idea is that the rules of court are to supersede everything with respect to all the details of practice and procedure.

MR. SIEBER:—Then if it were left to abrogate it piecemeal, if our Legislature were not in harmony with this—that is to say, suppose we had an act such as the one to which Mr. Johnson has referred with reference to a litigant not wishing to try a case in a certain county where there were a certain number of corporate stockholders, we had gone to the Legislature and the Legislature had refused to repeal; then, I take it, in your view of the matter, if the Supreme Court had it in its hands to make these rules of procedure, and they would say by rule so and so that this section would not be countenanced by the court, there would then be, or not be, a conflict?

PROF. POUND:—I suppose the answer to that would be this: it was generally believed at the time codes of civil procedure were first enacted, that the Legislature had no power to do what it attempted at all. The great lawyers of New York were almost a unit in so believing, but public sentiment required a reform of procedure and required it quick, and the matter never went further than some *dicta* by some of the eminent judges of New York, in which they expressed their belief that they could not have been compelled to swallow that code. See, for example, the remarks of Selden, J., in *Reubens v. Joel*, 13 N. Y., 488, 494-495, and in *Voorhis v. Child*, 17 N. Y., 354, 357-362. But they were kicking against the pricks. The new code went over the country like wild fire and became an established

thing. If you will look into Judge Dillon's Law and Jurisprudence of England and America and a number of texts and books on the subject, you will find the opinion has been very often expressed—indeed, once in a dictum by Mr. Justice Field, then on the Supreme Court of California, afterwards of the Supreme Court of the United States—that this was a judicial power which never ought to have been taken from the courts, and which might very properly have been challenged. Look at *Houston v. Williams*, 13 Cal. 24, and see also *Ex Parte Griffiths*, 118 Ind. 83. Now, if the Legislature voluntarily gives this up and the courts succeed in making practice what I believe they will make it, and then some Legislature comes along and undertakes to poke in some particularly obnoxious provision at the insistence of some one interested, then I undertake to say the people of the United States and the several States will be behind the courts when they say, "This is a judicial power; you have had your era, Gentlemen; you have had your way in the codes of civil procedure of three thousand sections which must be read from end to end; we have gone through the era where the legislative power prevailed and told the judge everything he should do from the time he entered the court room; we are back now to the point where it should have been all the time, and we think we will be supported in contending that it shall remain there."

MR. SIEBER:—I think it is very gratifying to the Association to hear from Judge Pound. The idea in your mind and in the minds of those who are urging this is that, in order to get the functions back to the court, where they belong, we will have to get rid finally of our code of civil procedure.

PROF. POUND:—Oh, I suppose the way that will be met is, as has been suggested elsewhere, simply to adopt rule one, "The present practice, as prescribed by the code of civil procedure, shall be in force and effect and govern procedure in courts of this State until otherwise ordered," and then make the changes from time to time as they are needed.

MR. SIEBER:—Just one further question. You have heard many discussions on this subject. Have you discovered any

idea or any thought of getting back to the technique of the old common law pleading, as distinguished from the simplified idea of pleading under the civil code?

PROF. POUND:—No. On the contrary, a great many common law States, notably Illinois, are trying to get a simplified procedure through rules of court, instead of getting it through a code. I think rather than your going backward, you will probably go forward. Colorado is a code State which has adopted this system. New Jersey is a common law State which has adopted it. You would be rather astounded at the similarity of the rules in those States. I do not take it that it means, unless you get what you could hardly find in the modern world, a court steeped in what is known as the common law practice—and the Lord knows where they would get so steeped today!—you would not have such a situation.

The motion of Mr. Johnson having been withdrawn, Mr. Sieber moved that the recommendation be referred back to the Committee for further consideration; motion seconded.

MR. CHESTER W. MERRILL, of Cincinnati:—I want to call attention to the act as recommended by the American Bar Association and recommended for passage. The law provides that the Supreme Court of the United States shall have the power to prescribe, from time to time, and in any manner, the forms and manner of service of writs and all other process; the mode and manner of framing and filing proceedings and pleadings; of giving notice and serving process of all kinds; of taking and obtaining evidence; drawing, entering and enrolling orders; and generally to regulate and prescribe by rule the forms for the entire pleading, practice and procedure to be used in all actions, motions and proceedings at law and in equity, of whatever nature, in all courts of record in the State of Ohio; and further, that when and as the rules of court, thus authorized, shall be promulgated, all laws in conflict therewith shall be and become of no further force and effect.

Motion carried.

JUDGE WINCH:—The second recommendation is:—

“That a committee be appointed to formulate and present to the General Assembly a proposal for a constitutional amendment making the jurisdiction of the Supreme Court and of the Court of Appeals the subject of legislation from time to time, as the public interest may require.”

The discussion in the committee was to the effect that a similar amendment would be the addition to the present constitution on the subject, “such further appellate jurisdiction as may be provided by law,” which would practically take us back to what the Constitution was before it was amended. The only argument in favor of it that I was asked to suggest is that the Supreme Court has now entirely caught up with its docket, as we are advised by the chief justice, and could receive more cases than it is receiving under the present Constitution, as interpreted by the Supreme Court, and the interpretation not known to the members of the bar, either, by the way, and as the Legislature from time to time sees certain classes of cases or various matters that would be proper for the Supreme Court to review, leave it in their hands to add to the jurisdiction of the Supreme Court from time to time as necessity warrants.

Moved by Mr. E. N. Brown, of Youngstown, that the recommendation of the Committee be adopted; motion seconded and carried.

JUDGE WINCH:—I move the adoption of the third suggestion of the committee:

“That the evils of our present Reporter System be discussed to the end that, if possible, a remedy be suggested.”

Motion seconded.

JUDGE WINCH:—You all know what the evils are. There are too many reports and too many law-books. It is expensive for us as members of the bar, and it is confusing to the courts, to have so many books, and especially to see decisions of the *visi prius* courts published, as we frequently do, after they have

been overruled by the higher courts. The committee has been unable to find any remedy for the situation. But we have suggestions from the Reporter of the Supreme Court, Mr. E. O. Randall, which perhaps offer some advice to the members of the courts of this State, and I think that you would be glad to hear from him for a moment on the subject.

MR. E. O. RANDALL, of Columbus:—Mr. President and Gentlemen of the Association: I would, of course, be unable to discuss this matter fully in the limited time which I will have, but, from our experience in the office of the Supreme Court Reporter, I am thoroughly satisfied that it is not so difficult as it may seem to partially, if not entirely, solve this problem. My suggestion would be, first, to follow, as to the reports of the Courts of Appeals, the same method of procedure that now obtains as to the publication of the reports of the Supreme Court. As to that matter, which has been in vogue for many years, there seems to have been little or no difficulty and very little complaint. It seems to be satisfactory. That method is this: The Judges of the Supreme Court, after having written their opinions, place them in the custody of the office of the Reporter. The work of the Reporter, such as it may be, is there added to those opinions, and they are then sent to the publisher chosen for the publication of the Supreme Court Reports. After they are set up and the galley proofs are returned to the Reporter's office, those galley proofs, with the manuscript, are submitted to the respective judges, particularly the judge who writes the opinion, and after his corrections, if there be any, are made to the galley proofs, copies of the proofs are then sent to the law publications, the Law Bulletin, the Law Reporter, and some others, and they are permitted to publish them from the galley proofs. That gives these cases, with the least possible delay, to the profession; but the publication itself in book form is copyrighted so far as the work of the Office of Reporter is concerned, thus making it the official report, and no one else has that privilege. Consequently it would be futile for any other party to attempt to publish them,—in fact, they could not with the work of the

Reporter's Office added, which can be and is copyrighted,—and, therefore, we have but one book form of the publication for the profession. That system has worked admirably. There has been no attempt,—of course, there could not be under that system with any success or profit,—on the part of any publishers other than the one who has the publication of the official edition, to do this work.

By the Judiciary Law, as it is known, changing the Circuit Courts to the Courts of Appeals, passed a few years ago, the publication of the reports of the appellate courts was also placed in the hands of the Supreme Court Reporter, and such opinions of the *nisi prius* courts as the Chief Justice of the Supreme Court and the Reporter might decide upon. The appellate court reports, of course, are now more important than ever, and the more important of these two. If the judges of the Courts of Appeals would follow the method followed by the judges of the Supreme Court, and furnish their opinions directly to the Reporter's office, and give him the custodianship of them, as he has that of the Supreme Court opinions, the same results would follow. It seems to me, then, Gentlemen, that if the judges of the appellate courts could be induced to do regularly what is now a voluntary act with them,—to furnish their opinions to the Reporter's office direct,—the same methods could be proceeded with, and the same satisfactory results could be obtained. So far as we have been able to learn, this in the main meets with the approval of the judges of the courts of appeals, and it seems to me that this plan would assist materially towards a solution of this problem, and efforts are being made by correspondence and otherwise to bring about that situation.

Of course the question as to the *nisi prius* courts is a little more difficult, because they are more scattered, more numerous, more complex, and many of their decisions should not be published; and it would take more machinery to put the plan into effect. It has been suggested that when the method of publishing the appellate court reports is established in some satisfactory manner, it will then be time enough to take up the

question of the *ni si prius* reports. The only desire of the Reporter's office is to assist the judges and the profession in getting these reports, with the least possible delay and with the greatest satisfaction, to all parties concerned.

As the chairman of the committee, Judge Winch, has stated,—a fact with which you are all familiar,—one of the greatest difficulties is the multiplicity of reports; and it would seem to those who have had experience in reporting that, if this method could be followed in the Courts of Appeals as well as the Supreme Court, the problem will be very largely solved, if not entirely so.

MR. GEORGE R. YOUNG, of Dayton:—In my opinion there is no subject which can be brought before this meeting that more urgently demands our attention than the subject referred to in this third recommendation,—none, at least, unless it is the first one proposed. In my opinion, the system, or lack of system, which has prevailed in Ohio during all these years in the matter of reporting judicial decisions is a disgrace to our great State; and I want to say that when an Ohio lawyer goes into another State,—into one of our Eastern cities,—and hears the comments upon it that are made by the leading members of the bars of those States, he feels not only embarrassed but humiliated. Something certainly can be done to better existing conditions. I was very much interested in the recommendations made by Mr. Randall, and I know of no man in our State whose experience better qualifies him to suggest a remedy. At present we all know that these abuses are manifold.

In the first place, we have a duplication of publications. We have two publications, which publish our *ni si prius* reports and reports of the appellate courts, but they cover the same ground.

In the next place, up to the present time there has been no authoritative method of selecting the opinions which should be reported. If we happen to have in one county a common pleas judge who is both energetic and ambitious, we find a flood of his opinions in the reports. We might in other counties have others equally able and more able, and whose opin-

ions when they are announced would have been a valuable addition to the reported law of the State, but, who, having delivered them from the bench, lacked that energy and that ambition, and they were not published.

In my own practice I met a case like this. It just comes to my mind as an illustration of the deplorable condition existing. I happened to have a case that was tried before one of our common pleas judges in Montgomery county. It involved, we will say, six different propositions. It really involved more. One of them was the statute of limitations. The common pleas judge decided all of them adversely to my contention except the statute of limitations, and he held that that did not apply, but he decided the case on the merits against me. I took it on appeal to the then Circuit Court. The Circuit Court reversed the common pleas judge on all five of the propositions which he decided against me, but decided that the statute of limitations did apply. The case was then taken to the Supreme Court. That court held it for six months. Thereupon they handed down a decision, "Affirmed without report." One of the judges afterward told me that they did not report it because they were so divided among themselves that they found it impossible to write a satisfactory opinion. Now, what was the result so far as the reporting system was concerned? No sooner had that opinion, "Affirmed without report," come down, than the common pleas judge who had decided the case originally and who was wrong on five points, and, as the Circuit Court said, wrong on all points, not knowing upon what ground the Supreme Court decided it, took heart and sent his erroneous opinion to the Law Reporter, and it was published in full, followed by the note below, after an asterisk, "Affirmed without report." And that is the law of Ohio today so far as the published reports are concerned. I think hardly a year has passed, since that was done, and I have been in receipt of letters from lawyers all over the State wanting to know if it could be possible that the decision reported in that case was law, and, if so, how it worked out.

I move, Mr. President, that a committee of five, of which

Mr. Randall shall be chairman, be appointed, to consider this whole subject and formulate and report a plan for remedying the abuses which have arisen.

Motion seconded.

MR. RANDALL:—There is some doubt in my mind as to the propriety of the reporter being made the chairman of that committee, as he has under the new laws the making of the contracts and the direction of the office. I will be very glad to meet with them and to give them the benefit of any knowledge I may have.

(The mover withdrew the portion of the motion relating to the chairmanship.)

Motion carried.

JUDGE WINCH:—The committee recommends the following:

“That, as the Industrial Commission and the Public Utilities Commission of Ohio exercise important functions of a judicial nature, the members thereof should be protected by the Constitution in their tenure of office.”

In the first place I wish to call your attention to a date. This suggestion originated and was discussed before the first of January, 1915. That will absolve the committee and everybody else from all thought of political considerations in connection with this resolution. The second suggestion is this: if you believe the first part of this resolution, that the Public Utilities Commission of Ohio exercises important functions of a judicial nature, you will undoubtedly be in favor of the latter part, that their term of office be protected. I move the adoption of the recommendation.

Motion seconded.

The President, having called for a *viva voce* vote, declared the motion carried.

MR. W. S. FITZGERALD, of Cleveland:—I was on my feet, Mr. Chairman, attempting to obtain recognition, before the vote was called for. I would like to be heard on this particular section.

PRESIDENT VAN DEMAN:—If there is no objection, the gentleman will be heard.

MR. FITZGERALD:—I want to say I believe the recommendation is subject to at least two objections. The first is, that if the underlying principle which it undertakes to state is correct, then the recommendation is incomplete, because there are other commissions and other appointive officials of the State of Ohio who exercise judicial, or quasi-judicial, functions, and who should have been included in this particular recommendation. I do not believe that it is fair or proper to single out these two particular commissions exclusively in a recommendation of this kind.

In the second place, I respectfully disagree with my friend, Judge Winch, on his premise that the fact that the Industrial and Public Utilities Commissions exercise important functions of a judicial nature necessarily means that they must or should be protected by constitutional provision. It occurs to me that it is much more important that commissioners in public office exercise their duties efficiently than that they have a permanent tenure of office. That is a common mistake, Mr. President, that is made, I believe, with reference to the theory of the civil service law and the motives or purpose of the civil service theory. Civil service is not fundamentally to protect the office-holder. It is to increase the efficiency of public service; and it throws no guaranty,—no blanket of protection,—around the office-holder because of his duties, but it is a measure to better the public service.

If a member of a State commission or appointive official is not in sympathy with his superior officers in government, or is not efficient, then there is no reason in the world why the nature of his duties should protect him. Many of our State commissions are inseparably connected with the executive functions of government, and they were made appointive to a large extent by the executive in order that their members might work in harmony with him or with the executive department, or that the policies for which the executive stands should be carried out by subordinate officials thoroughly in sympathy with

his policies and with his measures; and for that reason it would be absolutely unwise and unreasonable to hamper the executive official or the executive department of the State with any constitutional limitation on his power which would prevent him from removing for just cause any appointive official who might be inseparably connected with the administrative functions of his office; and for these reasons, Mr. President, I desire to oppose the adoption of that particular recommendation. (Applause.)

JUDGE U. L. MARVIN, of Cleveland:—I haven't heard of anybody declining to accept a position on either of these commissions because his term of office is not protected, and until we have had some difficulty of that sort, I think we may safely assume that the executive will be able to make appointments, and that the appointees will take their chances as to how long they will serve, without having a constitutional provision guaranteeing them that, if they can secure appointment by the Governor, they have got a sure thing for five, ten or fifteen years.

JUDGE WINCH:—I think the committee should acknowledge the force of the statement of Mr. Fitzgerald, that there are other commissions in the State exercising quasi-judicial functions who should also be protected in their tenure of office, if the Industrial Commission and the Public Utilities Commission are to be protected; and I want to call your particular attention to the fact that the recorder, under the Torrens Act, is, under the amended constitution, a judicial officer, performing important judicial functions, and his term of office, I believe, is only two years. It should certainly be extended and made at least six years, and as much care should be used in his selection as any other judicial officer.

As to Judge Marvin's suggestion, the committee had no thought of benefiting any applicant or protecting any incumbent, but, as I recall, the discussion came principally from the south-western part of the State where it was thought there should be some provision to protect the members of the conservancy board in order that there might not to be too many new and inexperienced men serving at any time.

Motion lost.

JUDGE WINCH:—The Committee recommends

“That a Committee on Professional Ethics be appointed, to which Committee may be referred questions touching professional conduct and ethics, for opinion and answer,”

and moves the adoption of the recommendation.

Motion seconded and carried.

JUDGE WINCH:—On the next, the committee submits a majority and minority recommendation, which are as follows:

(By a majority of the committee.)

“That General Code Section 1687 be amended so as to read as follows:

SECTION 1687. When a judge of the common pleas court or of the superior court of Cincinnati is interested in a cause or matter pending in his court, or is related to, or has a bias or prejudice, either for or against, a party to such matter or cause, or to his counsel, or is otherwise disqualified to sit in such cause, or matter, on the filing of an affidavit of any party to such cause or matter, or of the counsel of any party, setting forth the fact of such interest, bias, prejudice or disqualification, the clerk of the court shall enter the fact of the filing of such affidavit on the trial docket in such cause and forthwith notify the chief justice of the supreme court, who shall hear and determine the fact of such disqualification, and, if found to be disqualified, shall designate and assign some other judge to take his place. Thereupon the judge so assigned shall proceed and try such cause or matter. The affidavit herein referred to shall be filed not less than three days prior to the time set for the hearing in such cause or matter.

In like manner, if any common pleas judge considers himself disqualified for any reason from sitting

in a cause or matter, upon his request in writing to the chief justice of the supreme court, said chief justice shall designate and assign some other judge to take his place and try said cause or matter.

(As a substitute for the above, Hon. Allen Andrews submits the following:)

SECTION 1687. The judges of the court of common pleas are authorized to arrange between or among themselves for exchange of work in the trial of civil actions. Whenever it shall appear that a judge of any court of common pleas or of any superior court is interested in a civil action pending before him, or is related to or has a bias or prejudice either for or against a party or his counsel, or is otherwise disqualified to sit in such action, either by written statement of the judge himself or by affidavit of any litigant filed with the clerk of the court in such action, three days or more before the time set for trial, the clerk shall enter the fact of filing such written statement or affidavit on the trial docket in such action and forthwith notify the chief justice of the Supreme Court, who shall thereupon designate and assign some other judge who is disinterested to take the place of the judge so disqualified. And thereupon the judge so assigned shall proceed and try such action."

We move the adoption of the majority recommendation of the Committee.

MR. SIMEON M. JOHNSON, of Cincinnati:—How does the report of the majority change the existing law?

JUDGE WINCH:—The existing common pleas law is not very much changed, except it is made to conform to the statute regulating the transfer of judges in the Court of Appeals and the provisions for—that is, the grounds on which a judge can be sworn off of the bench in the court of common pleas are preserved as they are now; you understand in the court of common pleas the fact that one of the judges in the court is preju-

diced against an attorney in the case does not disqualify him, whereas in the court of appeals the prejudice of a judge to the attorney,—not to the litigant, but to his counsel,—is sufficient to disqualify or be grounds of disqualifying him.

It was moved and seconded that the matter of the sixth recommendation be referred to the new Committee on Judicial Administration and Legal Reform.

MR. J. L. STERN, of Cleveland:—I think this ought to be re-committed for one reason, if for no other, namely, it refers to the fact that the affidavits shall be filed not less than three days prior to the time for the hearing in such cause or matter; and, so far as Cuyahoga county is concerned, there is not a lawyer over there that knows what judge his case is coming before until fifteen minutes before it is called. (Laughter.)

Motion carried.

A division was called for, and a standing vote showed: for, 45, against, 8.

PRESIDENT VAN DEMAN:—Since delivering my address this morning, I am informed by two members of the Supreme Court that since the first of last January they have been obeying the Constitution, as they believe it to be, and have been reporting all cases which have come into the court of appeals since the first of January, 1913.

MR. GEORGE B. HARRIS, of Cleveland:—Mr. President and Gentlemen: We have a committee on the state of the Bar Association over in Cuyahoga county, and that committee met some few weeks ago and adopted a resolution, which they asked me as chairman of the committee to offer at this meeting, and to move its adoption. I will read the resolution:

“*Resolved*, That the President of this Association be, and he hereby is, authorized and directed to appoint, as a committee for the organization of County Bar Associations and the promotion of the interests of the Bar in future legislation, one member from each county in the State.

Resolved, Further, That said Committee, when appointed, is urged to take active steps toward seeing that a County Bar Association is organized in each county in the State wherein no such association now exists;

And Further, That it co-operate with all other proper committees of this Association to further the interests of the Bar in such legislation as may be pending hereafter in the State Legislature or in the Federal Congress."

Mr. President, I move the adoption of this resolution, and in its behalf I want to say that we feel up our way that the lawyers of the State are not organized in any efficient way to get results; that the action of the Association in its annual meetings is not given consideration by legislators; and we feel that if we had a committee of this sort, that committee, co-operating with the other committees of the Association, would form a very effective organization to bring about reforms and stop vicious legislation.

The other part of the resolution merely amounts to this: The interest in this Association seems to be more or less dying. We feel that if active steps were taken in a general State-wide movement to organize county Associations wherever there be none, and to stimulate the activities of the associations where they are dormant, as our Cleveland association was prior to three years ago, when our present president, Colonel Miller, was elected and twice re-elected, who has built up this organization to where it now is, with monthly meetings from September to May, it would bring about a revival of interest in the State organization.

Motion seconded and carried.

On motion the Association recessed to ten o'clock Thursday morning, July 8th, 1915.

SIXTH SESSION

Thursday Morning

July 8th, 1915

Ten O'clock

The Association was called to order by the President, who announced the following appointments:

Mr. George R. Young, of Dayton; Mr. Ensign N. Brown, of Youngstown; Mr. D. C. Henderson, of Lima; Mr. Albert D. Alcorn, of Cincinnati; Mr. Smith W. Bennett, of Columbus;	} Committee on Supreme Court Reporting
Judge U. L. Marvin, of Cleveland; Mr. Simeon M. Johnson, of Cincinnati; Mr. Chase Stewart, of Springfield; Mr. John McSweeney, of Wooster; Mr. E. E. Erskine, of Steubenville;	} Committee on Professional Ethics
Mr. George R. Young, of Dayton; Mr. M. J. Hartley, of Xenia; Mr. Edward Kibler, of Newark;	} Delegates to the American Bar Association
Mr. John M. Ormond, of Toledo; Mr. John H. Price, of Cleveland; Mr. D. J. Cable, of Lima;	} Alternates

The Committee on Nominations, through Mr. Simeon M. Johnson, of Cincinnati, submitted the following names as the unanimous choice of the Committee:—

For President, Charles R. Miller, of Cleveland;
For Secretary, Charles M. Buss, of Cleveland;
For Treasurer, Clement R. Gilmore, of Dayton.

It was moved by Mr. Johnson that the Secretary cast the ballot of the Association for the unanimous choice of the Committee; motion seconded and carried. (Applause.)

PRESIDENT VAN DEMAN:—I have the pleasure of presenting to you Mr. Miller, of Cleveland, your President-elect. (Applause.)

PRESIDENT-ELECT MILLER:—Mr. President, and Ladies and Gentlemen: I am not unmindful of the honor that you have conferred upon me this morning, because of the splendid character of the gentleman whom I am to succeed. I have long had aspirations for the bar of the State of Ohio. It seemed to me that we were not occupying in the mind of the public the position which we should have an ambition to attain to, and that is, that the bar, as in days of old, should be the leaders of public sentiment throughout the State of Ohio. You have elected me to be your president for the ensuing year. You have conferred an honor upon me, but you have taken upon yourselves an obligation, and I expect to call upon you for those obligations and their fulfilment throughout the year. If this State Bar Association is to be made an outing club and immediately die upon adjournment, it never in the world can accomplish the purpose for which it was formed. But if we are to have State Bar Associations every day and every minute of every day in the year, then it will be accomplishing the purposes for which it was conceived.

As outlined in the resolution of yesterday, I want to appoint a strong committee to organize Bar Associations in every county in the State, and put those organizations in touch with this. Then we will have a force behind us for the consummation of any purpose we may seek to carry out.

Further, we ought in my judgment to have more than one meeting per year. If this is to be an all round, all the year around organization, there is no reason in the world why we should not get together more than once in the year. We ought to have a mid-winter meeting somewhere in the southern part of the State. We ought to have a campaign in every district for membership. We ought to take a district and spend a month in that work, and then take up another district, and in that way thoroughly cover the State in a campaign to increase membership and arouse enthusiasm.

And then, somehow or other, I have always had an idea that, next to Providence, there was a controlling spirit of force which looked after the destinies of men; and I want, if possible, to organize an auxiliary force to this organization,—the ladies,—the wives, and the daughters, who will see to it that the men attend these meetings. (Applause.)

We have a lot of splendid past presidents,—one just retiring. Why should we allow them to drop out? Why shouldn't we keep them working? And I am going to ask everyone of them to be an advisory committee to the president-elect, and keep them working throughout the year.

Your Constitution says that I may not be re-elected, and I hope to keep some of you so busy that perhaps at the end of the year you will be glad of it. And it shall be my ambition to increase this Association in membership, in power, and in force; but I need your help, your assistance, and I feel that I am going to have it.

The president tells me there is no way of getting rid of committees who do not work. I think I am going to find a way, and if you have chosen on your committees men who will not work, they will receive a polite request to resign, and somebody will be asked to take their places who will work. I am sure, with the splendid past history of this Association, that you are coming to the front and are going to make this year a success. It will be your success, not mine, because you will have accomplished the work. I thank you. (Applause.)

JUDGE WILLIS VICKERY, of Cleveland:—Mr. President, on behalf of the Bar Association of Cuyahoga County, I wish to present a resolution, and to ask the help of the lawyers throughout the State, some of whom are not familiar with the difficulties that we have in the selection of juries. By reason of the method of selecting jurors there has grown up in Cuyahoga county, in Cleveland, a class of men who might be termed professional jurors, and because there are twelve judges, each one acting independently and each having the right to excuse, and excusing, jurors, there has grown up the custom of excusing busy business men who are summoned, and what we have left

is the professional juror. You may say the juror need only serve three weeks, but it is his privilege to ask that, and not the court's to direct it. In New York, the service is two weeks, and every man is compelled to serve it. We think that could be adopted in Ohio to advantage. This is the resolution:

“Resolved, That this Association hereby recommends to the next General Assembly of the State of Ohio the passage of a law limiting the period of service of jurors to two weeks in any one year, and requiring universal service of citizens, excepting only those persons now exempt by law from jury service, such period of jury service to be extended when necessary to a time sufficient to finish a case the actual trial of which has been started within such two weeks' period of jury service.

Be it Further Resolved, That the legislative committee of this Association be directed to draft a law embodying these ideas, and urge its introduction and passage by the next General Assembly.”

I move the adoption of the resolution.

Motion seconded by Mr. John H. Price, of Cleveland.

Moved as an amendment by Mr. Simeon M. Johnson, of Cincinnati, that the matter be referred to the Committee on Judicial Administration and Legal Reform, to report at the next meeting; motion seconded and carried.

MR. JOHN H. PRICE, of Cleveland:—I have another resolution to present, which follows up the other resolution:

“Resolved, That this Association recommends to the next General Assembly of Ohio the passage of a law making it a misdemeanor for any employer to discharge an employee because he is required to perform jury service according to law, such law to provide a maximum penalty for its violation of 60 days in the workhouse and a fine of \$200 and costs or both.

Resolved, Further, That the legislative committee of this association be directed to draft a law embodying these ideas, and urge its introduction and passage by the next General Assembly."

PRESIDENT VAN DEMAN:—If there is no objection this resolution, as the other resolution, will be referred to the Committee on Judicial Administration and Legal Reform.

JUDGE C. B. HUNT, of Coshocton:—In view of the resolution that was offered here last evening, relative to the organization of county associations, it seems to me it would be desirable to follow the plan of the American Bar Association, and permit these local associations to send delegates to the State Association, and I move that the executive committee be instructed to report an amendment to the Constitution covering this matter.

Motion seconded and carried.

PRESIDENT VAN DEMAN:—Next on the program are the Memorials to Judges John R. Saylor and William L. Dickson, which will be presented and read by Mr. Simeon M. Johnson, of Cincinnati, and the memorial to Judge J. Foster Wilkin, of the Supreme Court, which will be read by Mr. Smith W. Bennett, of Columbus.

(The memorials will be found in the Appendix, at pages 113 to 145 respectively.)

The roll of the Districts was called for the names of deceased members not included in the Report of the Committee on Legal Biography.

The Secretary read the list of Committees for the ensuing year.

The Secretary presented a communication from the National One Cent Letter Postage Association, which, on motion, was ordered to be received and filed.

MR. JOHN MCSWEENEY:—I wish to address the secretary, and I move through you that there be offered to our retiring president the thanks of the Association for his force and ability as a presiding officer.

“ And may you, in the old age of life,
May you yet receive such sheaves of happiness,
Political glory and renown,
That all the glories of your summers past may
Seem fruitless beside the autumn.”

Motion seconded, and carried by unanimous rising vote.

On motion, the Association adjourned.

APPENDIX

ADDRESS OF JOHN N. VAN DEMAN,

PRESIDENT OF OHIO STATE BAR ASSOCIATION,

DELIVERED AT CEDAR POINT, JULY 6, 1915

*Mr. Chairman, Members of the Ohio State Bar Association,
Ladies and Gentlemen:—*

Permit me first to express to you, in this formal manner, my high appreciation for the great honor you conferred upon me a year ago in electing me to the Presidency of this Association, for I do regard it as one of the highest honors that can be bestowed upon an Ohio lawyer; and during the year it has been my greatest pleasure to think of, and endeavor to do, something,—yes, everything possible,—to advance the real interests of this Association, and if I have accomplished anything for its betterment, *that* will be for me a rich reward for the efforts put forth. But I must not neglect to express, also, the gratitude I feel toward Chairman King, Secretary Buss, Treasurer Gilmore, and other members, who have given me such splendid support and assistance, throughout the year.

Our Constitution declares one of the objects of the Association to be, "To cultivate cordial intercourse among the members of the Bar," etc., and in order to aid in this, and especially assist the new and modest member, (and you know all lawyers are modest,) I have, by the consent of the Executive Committee, appointed a number of ladies and gentlemen to receive, look after, introduce and otherwise assist all the ladies and gentlemen attending this Association in becoming acquainted, and thoroughly enjoying this meeting; and I am sure if the wives and daughters become interested in, and attend, these meetings, the husbands and fathers will be here also.

For thirty years I have enjoyed the pleasure and profit of these meetings. For twenty-seven years they have been held where we could look out upon the beautiful waters of Lake

Erie,—and do more than look, if we chose. The first few years, at the old Beebe House, Put-in-Bay, where probably only about a hundred lawyers, including a few Judges, gathered for this annual meet, there were at that time probably not more than three or four hundred enrolled members. But amongst that hundred lawyers were many of the giants of our profession,—men who were distinguished for their great ability and skill as advocates, and some as able and just Judges; and to listen to their papers, and hear and take part in their arguments and discussions of questions of reform in procedure, etc., was indeed a pleasure that will never be forgotten. Thankful am I that a number of those are spared to us yet, and are with us today. Some of them still living have, by reason of age and infirmity, ceased to attend our meetings; others have finished their work on earth and passed to the Great Beyond, leaving—as priceless legacies to their families and friends—good names and the records of lives well spent. Of such permit me to mention Judge Green, Judge May, Judge Samuel F. Hunt, Judge Elliott, Judge Pratt, Judge Seney, John J. Hall, Warner M. Bateman, R. D. Marshall and Uncle Stephen Harris.

Later we went to Hotel Victory, and with the larger and better accommodations, more comfortable and delightful surroundings, the attendance upon, and membership in, our Association was soon doubled; and many were the delightful meetings held at that place. But we again seem to have made a fortunate move in coming to this place, as we find that the ample accommodations, beautiful surroundings, and easy access, coupled with some aggressive work on the part of a number of our members, have greatly increased our membership roll until it has reached almost twelve hundred, and our attendance, including the ladies, has exceeded half that number.

But why all the lawyers of the State cannot see and appreciate the value of these meetings is beyond the comprehension of the speaker. Notwithstanding, however, the comparatively small number of lawyers that belong to this Association and attend these meetings, a great deal of good has been accomplished by and through this Association. Its work has been

directly and chiefly controlling in securing a number of important reforms in our procedure and practice. For instance, the creation of our Circuit Court of independent Judges, instead of the old District Court composed frequently, in part, of the Judge who tried the case below; and the review was, in consequence, generally a farce.

The simplification of the law for the taking of a bill of exceptions.

Shortening the time for proceedings in error, thus lessening the law's delays.

Change in the rules of the Supreme Court, which prevented many cases being taken there simply for delay.

Impressed the importance of Legal Ethics on the profession, and secured its adoption as part of the course of study in preparation for admission to the bar.

The codification of the law of "Negotiable Instruments," and also of the law of "Sales."

Induced our legislature to pay our Judges better salaries, the former ones being ridiculously low.

Some safeguards have also been given persons investing in the stock of corporations, against the bunco of fictitious assets; and many other things of less importance.

Since our last meeting we have had a new legislature elected and in session about four and a half months, and I wish to congratulate them and the people of the State upon the number of "bills they have killed," and the little harm they have done. There is a great hue and cry over the State for the Legislature to hold "very short sessions," adjourn in "a month," or "six weeks," etc. This I believe to be a mistake. The trouble, and greatest danger, is in *hasty legislation*. If the Assembly would continue in session for six or eight months instead of three or four, we believe it would be far better and less mistakes made. We must remember they have to make appropriations for thirty penal, benevolent and educational institutions, and, in order to do so intelligently, must visit these institutions and look carefully into their condition and needs. These

appropriations will amount to more than \$10,000,000 for the two years for which the appropriations must be made. In addition to that, the common schools, the Executive, Judicial, and all other branches and departments of the State Government, must be cared for, so that the total appropriations for all purposes for the two years amount to the enormous sum of more than thirty-two millions of dollars. This should not be hastily and recklessly done. Therefore, we, as lawyers, ought to deprecate this hue and cry of haste, and lend our influence in favor of deliberation and safety.

This legislature did make some laws to which we deem it our duty to call your attention.

And first let me mention that the action of this Association a year ago, followed by the appointment of a committee to present the matter to the Legislature, resulted in the modification of the Torrens Registration Act, removing therefrom the compulsory feature, for which we are pleased to commend both the committee and the Legislature.

An amendment was also made to General Code Sections 508, 528 and 541 providing thirty days' notice instead of ten for any change of railroad rates; rates as established to stand for two years, instead of one year, as heretofore; and supplemented by giving additional power to the Public Utilities Commission, so that when the new rate, or charge, or new classification, regulation or practice, affecting rate or charge is made, the Commission may, without complaint, upon reasonable notice to the carrier, proceed to investigate to determine whether or not such proposed charge is reasonable, and may suspend the taking effect of the same for thirty days, during this investigation; and if a decision is not reached within the thirty days, they may further suspend the same for a like period; and the burden of proof, to show the proposed increase or charge to be reasonable, is upon the common carrier.

The marriage law was supplemented so that in certain cases, when there is no parent or legal guardian to consent to the marriage of a minor, the consent of the Judge of the Juvenile Court will be sufficient.

The law for listing property for taxation is entirely re-modeled and changed. District assessors, district boards of assessors and district boards of complaint are abolished. County auditors are supervisors for their respective counties, under the direction of the State Tax Commission. Assessors are elected for wards and townships every two years, beginning November, 1915. The County Auditor has power to remove such assessors when in his judgment the public interest so requires. The auditor fills all vacancies by appointment. The County Treasurer, Prosecuting Attorney, Probate Judge and President of the Board of County Commissioners shall appoint three persons who shall constitute a county board of revision. All such appointments must be approved by the State Commission. The State Commission has power to remove a member of said county board when in its judgment the public interest so requires. Appeals may be taken from the county board to the State Commission.

The Legislature has also recognized the position of professional nurse, and provided for their examination and registration; and the same is true of persons who in a limited way practice branches of medicine or surgery, such as osteopaths, etc. These will all be examined and licensed by the State Medical Board under proper regulations.

It also provided a severe penalty for any misrepresentations in connection with the obtaining of insurance (other than fire).

And another matter of special importance, we think, to the profession, is the control of the publication of reports of our Supreme, Appeal and Nisi Prius Courts, which is lodged with the Court Reporter under the supervision and control of the Supreme Court.

Also abolished the annual "sop" which the Probate Judge had to hand out to two good henchmen for "looking into the county treasury."

It amended Section 5090-1, G. C., and provided for sealing ballots securely, and preserving them thirty days to see if there is any contest, and, if not, then for their destruction; and also

provided for a contest over a *question* submitted to the voters, the same as heretofore provided for between candidates, and that, upon proper notice of such contest, the Chief Justice of the Supreme Court shall designate a Common Pleas Judge to hear the case.

All persons in charge of jails, station houses, or other prisons are forbidden to refuse the request of any person confined or held therein, or any relative of such person, to have an attorney at law come to them and consult with them privately; and fixes a penalty for refusing such privilege.

Provided further safeguards against loan sharks by amending Sections 6346-1 to 6346-7, G. C., and also supplementing and adding Sections—8-9-10, fixing penalty for violations, etc.

There were also other acts of importance, such as the reorganization of the Department of Agriculture and the License Boards, but we do not deem it necessary to call your attention any further to these.

In these days of regulating almost everything, we are pleased to note that, in this regard, our laws have not yet attained the particularity of the Ancients. For instance, in the Library of Law of the Northwestern University at Chicago, they have a reproduction of a Babylonish Code. It is about ten feet high, about thirty inches in diameter at the base, and twenty-four inches at the top,—a round black stone. The laws are cut in vertical lines on about five feet of the stone,—the central part,—written in hieroglyphics, similar to Chinese; and scholars who have deciphered these inscriptions tell us that the laws inscribed there, for detail, are remarkable. For instance, they prescribe the amount that a physician may charge for a visit to a patient, and, if the physician performs a surgical operation and the patient dies, the life of the physician pays the penalty. Thus they saved the courts from the necessity of trying malpractice cases resultant from surgery.

Criticism of the Courts we have heard much about, especially in these latter days. Formerly it was limited to "cussing the court" by the losing lawyer at the "hotel or else-

where"; and I well remember the remark made thirty years ago by a distinguished Circuit Judge, who afterwards sat for many years upon the Supreme bench, that part of his salary was "for the cussing the losing lawyers gave the Court," and, as small as the judicial salaries then were, we can scarcely imagine any of them left for other considerations.

I have no sympathy with this reckless criticism of the Courts that has been so prevalent during these latter years. An eminent lawyer has said in a recent magazine article, "The Judicial position, in a large measure, prevents its occupants from defending themselves against criticism. On this account they are peculiarly entitled to receive the support of the bar against unjust criticism and clamor. The lawyer, above all other members of society, should bear in mind how necessary it is for the proper administration of justice that the judges and the Courts should have the confidence and esteem of the people at large. If the people are to believe that the law is the refuge of innocence and distress from oppression and wrong, and are to be willing to submit to its authority as the legitimate arbiter of their controversies, then the integrity of the Court and its officials must be above reproach." The same writer further said, "It is not to be understood that at proper times and places the Judges and their actions should not be open to criticism by lawyers, as well as by the public generally. No class of the community ought to be allowed freer scope in the expression or publication of opinions, as to the capacity, impartiality or integrity of Judges, than members of the Bar. They have the best opportunities of observing and forming a correct judgment. * * * Judges, or other public officials, should not resent any fair criticism as to their public duties."

For many years the lawyers of this State have wished, hoped, and clamored for our Supreme Court to substitute for "Affirmed without report," which is appended to about three out of every four cases, not necessarily an opinion, or an argument supporting the decision, but only a brief statement of the questions in the case, together with the announcement of how they were severally decided. Every lawyer and Judge knows

that a case "affirmed without report" is no authority, except in another case with *exactly* the same facts; and you further well know that it seldom happens that the facts are precisely the same in any two cases. But if the lawyer could look at this former case "affirmed without report," and find that the identical question was made in that case (amongst others) that is involved in his present case, and that question was decided *adversely* to him, then we submit, he is not likely to take the time of the higher Court with this second case; and the result would be a saving of time to the Court of last resort, instead of a *loss*. To illustrate, if you please: In November, 1903, the Constitution of Ohio changed, by amendment, the question of liability of stockholders in a corporation for the debts of the corporation. At that time the so-called double-liability law was supposed to be repealed by constitutional enactments. Since that time there have been taken, by defendants, at least three double-liability cases to the Supreme Court, and all of them were "affirmed without report," and no one can tell from the record and decision of those cases whether or not the right to maintain such an action will ever expire.

More than one of the present members of our Supreme Court before election declared their sympathy with, and, if elected, their intention to work for, the adoption of the rule of decision by that Court which we are contending for; but, for some reason, they have failed to secure its adoption. Not only the *lawyers* of Ohio, however, desire this, but evidently the people as well, for in Article IV, Sec. 6, of our new Constitution we find this express provision, "*The decisions in all cases in the Supreme Court shall be reported, together with the reasons therefor, and laws may be passed providing for the reporting of cases in the Court of Appeals.*" And now I appeal to you, Gentlemen of the Supreme Court, you ought not,—you cannot afford,—to ignore the written law of the Constitution.

The only reason we have heard advanced by members of that Court, in the last few years, has been that the crowded docket of the Court would not permit the time which would be required to render the decisions in the manner we are sug-

gesting; but, from the recent public declarations of our Chief Justice, that reason no longer exists.

The citizen who is openly and flagrantly violating the laws of his land would receive little attention should he appeal to his fellow-citizens to obey the laws. And so with the Courts. They must obey the law that affects them, regardless of their judgment of its wisdom, if they would have the respect and confidence of the people. I sincerely hope, therefore, that our Supreme Court will get in harmony with the Constitution in this regard without delay so that this great menace to its dignity and honor will be removed, and that it may continue to have the respect and confidence which it ought to enjoy, and that *just* criticism may be a thing of the past.

It is with sincere regret that I feel called upon to say what I have on this subject, and I trust it will be accepted in the same kind spirit with which it is spoken; as I have a high regard for the members of that Court, and am glad to feel that at least some of them are my personal friends.

There is *one* thing, at least, in connection with a law suit, that is *worse* than delay, and that is a *wrong* decision. And there is no avenue in life where the old adage of "Haste makes waste" is truer than in the law. Under the plan of "affirmed without report," many wrong decisions are liable to be made. For instance, a few years ago, in our Supreme Court, the Court voted to affirm a case, and chanced to determine also to report it, and it was assigned to a certain Judge to write the opinion. A few days later, he reported that he could not write an opinion affirming that judgment. It was then assigned to another Judge, who in turn, in a few days, made the same report; and thereupon the Court reconsidered the case and reversed the judgment,—showing that if they had simply "affirmed without report," there would have been an erroneous decision. But you may say, "That is only one case." True, we mention only one, but there have doubtless been others, and besides how much better, in a Court of last resort, that there should not be one. If the result of that single case was to wrongfully take your life, or your little or great property,—

your all,—my friend, I'm sure you would think the price of *misplaced justice was very high, yes, far too dear.*

A celebrated law writer has said, "Law is, and must be, a progressive science, growing with our growth and expanding with our needs. The law, like all human systems, will ever advance nearer to perfection and ever fall short of it. He who says that the old laws are necessarily best is but a 'blind leader of the blind.' No system of law can long retain its mastery over a people unless it commands their reverence and support. It must be vitalized by, and embody the spirit of, the nation. To meet the ever changing conditions of each age we must not only have the inspiration of high ideals, but we must be guided by the teachings and experience of those gone before.

"If the administration of justice in the Courts keeps step with society and civilization, it will be because the judges and the lawyers have been true to the responsibilities resting upon them. If one will study the changes in the law in the past, he cannot but believe that the legal profession has fairly borne these high responsibilities. We know not what the future has in store for the protection and guidance of mankind under human laws, but the history of jurisprudence teaches that in that domain, as elsewhere,

" 'There are great truths that pitch their shining tents
Outside our walls, and though but dimly seen
In the great dawn, they will be manifest
When the light widens into perfect day.' "

GOVERNMENT OWNERSHIP OF RAILWAYS

ADDRESS BY HON. CHARLES W. DUSTIN, OF DAYTON, OHIO

JULY 7, 1915

A few years ago, a distinguished American statesman, arriving in New York from a round-the-world tour, announced himself in favor of the Government ownership of railways,—a doctrine that, up to that time, had not been indorsed by either of the great political parties, but was supposed (by him) to be in harmony with the then tendencies of public opinion.

Quite to his astonishment, and to the surprise of many older and more conservative statesmen, the proposition was received with marked disfavor.

It was not really discussed, as I remember, either in the public press, or in Congress; but one or two patent objections struck the public as sufficient, and, as a suggestion for a plank in a party platform, it was widely disapproved, and the gentleman in question, the proponent of the idea, for the time, at least, dropped the subject.

Later, however, it was thought to have been too summarily disposed of, and to be quite worthy of fuller and more serious consideration.

And it appearing that our friends, the Socialists, and many others, not identified with the Socialistic party, were quite earnest in the matter, a bill was introduced in Congress, as preliminary to the general consideration of the question, providing for the appraisal of railways, in order to determine whether it would be at all possible and practicable, if otherwise desirable, to undertake the purchase of such a vast system, and to ascertain, approximately, what the first cost thereof would be.

The bill passed, and the work of appraisal is under way. Able men have discussed the proper basis for such appraisal, and the consideration that should be given to first cost, repairs and improvements, value for other than railway

purposes, value enhanced by proximity to towns, cities and plants that grew and flourished by reason of the railway conveniences, depreciation from wear and tear, value of rolling stock and road-bed destroyed by flood and accident in developing and bringing the road to a paying basis, the titles to its real estate, and its good-will and value as a going concern. These and perhaps other points will have to be considered, requiring a vast and minute examination by experts, and requiring years of time,—so extensive a labor that even now the same is estimated to cost twenty millions of dollars, although the Congressional committee estimated it at only three millions.

All this before Congress even takes up the general subject. So much time and expense for the preliminary work was probably not contemplated by the author of the bill; and it would now seem more prudent, in view of the vast cost of it, which may prove useless, to reverse the proposed plan of disposition, and consider the question on its merits, before going further with the appraisalment.

Anyhow, I thought it not inappropriate for us as citizens and tax-payers to take up the question, and discuss it as though it were before us for final settlement.

And, in attempting to do so as fully as I can within an hour, I do not assume to exhaust the subject, or do anything more than outline it; earnestly hoping that flaws, omissions or inconclusions may be pointed out by friendly tongues and pens.

Others may see arguments, *pro* and *con*, that have not occurred to me; and I hope to hear from them here, or through some medium, where all of us may enjoy the result of their reflections.

Except as otherwise stated, and for convenience, I shall use the word "ownership" as inclusive of and implying "operation" as well, that being the generally accepted meaning.

So far as I can learn, neither in Congress, nor in any other forum, has there been anything like a full review of the arguments likely to be advanced by the advocates and opponents of the measure. In newspapers and magazines, and in an occa-

sional speech, there have been allusions to only a few points on each side. So it is quite an open field for discussion.

AFFIRMATIVE

In behalf of the proposition, I take it that the arguments may be divided into two classes,—governmental and individual. Ownership of railways would strengthen the Government:—

1st. Because, in times of peace, it would enable the Government quickly and secretly to discover frauds on the revenue, in the sale and transportation of liquor or tobacco that has not paid the tax, or in the transportation of smuggled goods.

2d. In the immediate and absolute control of rolling stock and all facilities for mobilization of troops and shipment of supplies in time of war.

As to benefits that may accrue to the individual citizen, through Government ownership, it may be argued:—

1st. That the Government, by reason of its superior credit, would be able to borrow money at a lower rate of interest than private companies, for railway construction, and, its railways being operated for no financial purpose except to pay the expense thereof, and interest on the bonds issued for their purchase, and the creation of a sinking fund for the gradual payment of the principal, and for repairs, improvements and extensions, the element of dividends to stockholders being entirely eliminated, passenger and freight rates would be more reasonable, the cost of living reduced, and general business greatly facilitated.

2d. That rules for the operation of trains would be uniform throughout the country, and not subject to variations or changes according to the whims of superintendents, and would be generally understood by employees and passengers. Moreover, they would be more strictly observed and enforced, increasing the average degree of safety.

And this because:—

(a.) Competition being eliminated, there would be no motive to run at a hazardous speed.

(b.) No part of the earnings being necessary for the payment of taxes or dividends, a greater sum could and would be devoted to the better construction of road-bed and rolling stock.

3d. Stations, bridges and embankments, instead of being unsightly, as they now often are, could and would be made more beautiful and artistic (because not subject to taxation therefor) and add largely to the attractiveness of railway property and the general beauty of the landscape.

4th. The stocks and bonds of railways, now held in such vast sums by investors, great and small, which are of uncertain value and subject to frequent changes, would be supplanted by Government bonds issued for their purchase, which would be steady and certain in value, readily salable, and available everywhere as collateral.

5th. There would be no motive for the manipulation of railway properties for the individual enrichment of officers and directors.

6th. There would be harmony of operation everywhere among the lines that are now jealous and hostile and working at cross-purposes. Connections would be made wherever and whenever it could reasonably be done; and mileage tickets could be issued that would be valid on any line.

7th. Rolling stock could be made from standard patterns in immense quantities and at lowest possible cost, making a saving which would inure to the benefit of passengers and shippers.

8th. In case of special demand on any one or more lines all other lines would be subject to call for rolling stock not then in use. This would apply to passenger and freight traffic, and would be of immense benefit in the moving of crops and the accommodation of passengers for great and unusual occasions.

9th. There would be a uniform system of accounting, and superintendence and other managing service could be combined. Attorneys, advertising and legislative agents, and many officials necessary to private corporations, could be abolished, thereby saving large expense which would not have to be met by passenger and freight rates.

10th. In case of accident on any road-bed, detouring would

be a simple affair, because all lines would be subject to orders for the accommodation of any; and the same would apply to wrecking apparatus, supplies, cars and engines.

11th. More men would be employed, and at higher wages; because of the tendency of the party in power to increase and reward its constituency.

12th. All moneys now paid to railways by Post Office Department, for the carriage of mails, would be saved.

13th. Railways would not be hampered by State legislation, which varies according to the political complexion of the general assemblies; Congress alone having power to control.

Even in the exercise of its police power, which is very broad, a State may not run contrary to Government regulations.

In *Hannibal v. Hudson*, 95 U. S., 471, it was held that:—

“Whatever may be the nature and reach of the police power of a State, it cannot be exercised over a subject confided exclusively to Congress by Federal Constitution. It cannot invade the domain of the national Government. * * * It may not, under the cover of exerting its police powers, substantially prohibit or burden either foreign or interstate commerce. * * *

“Since the range of a State’s police power comes very near the field committed by the Constitution to Congress, it is the duty of courts to guard vigilantly against any needless intrusion.”

In *New Orleans v. Louisiana*, 115 U. S., 661, it was held (opinion by Harlan, J.):—

“Definition of the police powers must be taken subject to the condition that the State cannot in its exercise, for any purpose whatever, encroach upon the powers of the General Government, or rights granted or secured by the supreme law of the land.”

NEGATIVE

Considering the other side of the proposition, it may be remarked that there was a time when a constitutional amendment was thought necessary, by many lawyers, to enable the Government to take over the railways in time of peace, by purchase or condemnation. From the foundation of the Government

to the construction of the Panama Canal and the purchase of the Panama Railway, it had never been done, although in a Central Pacific case, hereafter cited, it was held (*obiter*) that the Government might "construct" railways. But the right to do so is now generally conceded. The Interstate Commerce Act seems to have broken down the barriers of adverse legal opinion on the subject. And, it having been declared that a railroad is a "post road" (Section 3964, U. S. Rev. Stat., 1878, and 142 U. S., 615), it is now generally believed that intra-state as well as interstate railways are subject to control and ownership by the General Government, although no legislation to that end has been enacted except such as applies to the Canal Zone and Alaska.

In the great National Bank case, *McCullough v. Maryland*, 17 U. S., 429, it was held that the Government had a right to create a corporation which would assist in the operation and exigencies of government. It would seem to be logical that what it may grant to others to do it may do itself, provided it tends to carry out the functions of government, as for instance in the establishment and operation of post-roads.

Chief Justice Marshall, in his opinion in the bank case, says:—

"The Government, which has the right to do an act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means; and those who contend that it may not select any appropriate means—that one particular mode of effecting the object is excepted—take upon themselves the burden of establishing that exception."

In case of *California v. Central Pacific Railroad*, 127 U. S., 1, it was held that:—

"Congress has authority, in the exercise of its power, to construct, or authorize the individual or corporation to construct, railroads across the States and Territories of the United States."

And the right of eminent domain in such cases seems to be clear. In the case of *In re Rughheimer*, 36 Fed., 369, it was held that:—

"Without doubt Congress, representing, as it does, in the House of Representatives, the sovereignty of the people, and in the Senate, the sovereignty of the State, can, whenever it deems necessary, order private property to be appropriated for a public use."

Again, in case of *Ex re Montgomery*, 48 Fed., 900, it was held:—

"Eminent domain is the supreme dominion the sovereign power has over all the property within its jurisdiction, coupled with the absolute right to appropriate such property against its owner for the promotion of the general welfare, or as public necessity may require. It pertains as a necessary, constant and inexhaustible attribute to sovereignty, and therefore does not depend upon its constitutional recognition or legislative enactment."

The constitutional objection, therefore, being no longer considered serious, other objections may be summarized as follows:—

1st. The party in power at the time of the purchase would have the right to appoint the vast army of employees, now estimated at eighteen hundred thousand persons, one-tenth of the voting population of the country, which, with a sure increase of numbers and wages, would give it such an advantage that it would be next to impossible to remove it from power without revolution; and opportunities for graft and corruption would be almost without limit. In the Intercolonial Railroad of Canada even brakemen are appointed on the recommendation of party committees, and the road is concededly run as a party asset and at a loss.

2d. That the quality of service under such conditions would be inferior, and employees would not be subject to the inspection and discipline that servants of private corporations must undergo, and that sinecures would be created and incompetents employed, on account of political influence and for political reward and not on account of skill or merit.

3d. That a system of pensions would inevitably be created to provide for employees of great age or long service, thus re-

moving motives for economy and thrift, and the employment of such energy and ingenuity and attention to duty as will increase efficiency and induce promotion.

4th. That the cost of purchase would be so enormous that the Government would be hopelessly in debt for generations to come, crippling its credit in the money markets of the world, reducing the value of its present and future bonds, and leaving us in a helpless financial condition, in case of war, or other great emergency, requiring the speedy use of immense sums of money.

5th. A large number of roads (about half) pay nothing to their stockholders; and in case of floods or great accidents must make up deficits by borrowing money from year to year waiting for a profitable increase.

If the Government were the owner, it would have to make up the deficit by some new form of taxation, or increased rates in old forms, or by both, to the distress of the now burdened and always complaining tax-payer. By this process the citizens of populous communities, where railways are profitable, would have to contribute to pay the losses of far-away railways in sparsely settled districts.

6th. New lines and extensions of old ones would not be made to meet the wants of special communities unless such communities were influential in Congress through party leadership. The willingness of local capital to assist in the enterprise would have nothing to do with it. It would depend upon the power of influence at Washington, and the slow process of legislation. Emergencies could not be met by the speedy action of a board of directors. What the delay of legislation means, is indicated in the time now consumed to put through a measure that is indorsed by the President and the party in power.

Railway enterprises for special communities would become a part of the national "pork barrel," and a matter of trade between members of Congress.

7th. Maximum rates, even of intra-state lines, would not be fixed by legislatures but by Congress. Local influence or pressure would amount to nothing, except as the community

might be represented by a member of the party in power or a member of large influence.

8th. In case of damages to passengers or the goods of shippers, through negligence, there could be no recovery at law. Compensation or reimbursement would be entirely voluntary, or by special enactment,—again dependent on political influence.

9th. All railway properties would be withdrawn from taxation, and local and State treasuries everywhere would fall that much short in their sure receipts, and the deficiencies would have to be made up by increases on other property, or by new forms of taxation; for all the revenues of the railways, of course, would go into the Federal treasury.

10th. The question of safety is open to argument, and must be settled by experience. It may very plausibly be argued that an increased number of employees under government ownership would tend to divide responsibility; and these employees, being appointed for political reasons and not on account of experience and capacity, would be less skillful than employees on private lines, and would be in less fear of blame or discharge; and the menace to the companies of punishment by financial responsibility would be gone. In France, accident statistics show a percentage in favor of the private lines.

Damages, if paid at all, through the finding of a court of claims, voluntarily established, would be paid by the national treasury, instead of by stockholders of the road directly responsible.

Furthermore, it is pointed out that one of the greatest railroad systems of the country operated last year its entire main line and branches without killing a single passenger. There could be no improvement on that degree of care.

11th. Through the Interstate Commerce Commission, and the State commissions, railways have been thoroughly regulated, during recent years; so that the old complaints against the discriminations and arbitrariness of railroads have disappeared, and new complaints are promptly heard and disposed of.

Indeed, it is a question if these regulations and prosecutions

have not been overdone, and amount to persecutions and harassments; the effect being that no new railways of consequence have been built since 1912, a condition of stagnation in railway construction not known in fifty years. New constructions have been chiefly double-tracking and side-tracks.

If the Government becomes the owner of the railroads, it will be in a great measure disarmed. It will not be disposed to criticize itself. The party in power which will be the virtual manager of the railway department, will not encourage complaints or investigations, because of their political effect, and the public will relapse into its old indifference and discouragement as to railway dominance.

12th. The argument from the results of experience is as strong as any. What Government ownership may do for us is problematical. What private ownership has done, with governmental encouragement, is history.

Recognizing the fact that a railroad is the one essential and vital thing to the development of any country, the United States Congress early adopted the plan of railway encouragement by gifts of alternate sections of public lands along the line of proposed construction. States, counties and municipalities caught the fever, and in various ways assisted in the work. The result was the most rapid and wonderful development that ever fell to the lot of any nation, and today about 37 per cent. of the railway mileage of the world may be found in the United States, covering some 258,000 miles.

Now that we have grown and flourished beyond the dreams of our forefathers, and values have multiplied chiefly as a result of the railways, there are those who say that the Government was, in its early policy, too generous.

Whether it was or not, can never be demonstrated, because it is impossible to analyze the present worth and determine the proportion due to railway construction; and it is impossible to know whether capital at that time could have been induced, on any other terms, to make such ventures. We only know that the former policy was a success, until hostile legislation and repressive regulations put a stop to railway enterprises.

In 1913 a special campaign against the railways began, and thirteen hundred and ninety-five bills, designed "to regulate railways" were introduced into the several legislatures, and of these two hundred and fifty were enacted into laws. And as these greatly increased the expenses of operation, and the apprehensions of capital as to future laws, the discouragement to railway enterprise was natural.

13th. The variable profits of railways, subject so much to weather, crops and trade conditions, would disturb the national budget, and require large overestimates to cover fluctuations of the railway revenues.

14th. The Government already has enough to do to look after its army and navy, the Post Office, the tariff (embracing a volume of details), its internal revenues, the public lands, its banking and currency system, its harbors and navigable rivers, its forestry problems, and its foreign relations, without taking on the additional and special burden of its railways, which would be apt to require more attention than any other single subject.

Legislation would be far more congested than now, even with Congress in continuous session.

The majority of these points, on both sides, will, without elaboration, be regarded as more or less forceful, according to the mode of statement, and the bent of mind of the reader or hearer. But there are others that demand facts and figures to be forceful at all.

Some search for these has been made and the results are presented.

According to the last complete report of the Department of Commerce of the Census Bureau, the total value of steam railways and their equipment amounted (in 1912) to the enormous sum of \$16,148,532,502, being 23 $\frac{1}{4}$ % of the total taxable property of the country, and nearly a billion dollars more than the combined national debts of Great Britain, France, Germany and Russia before the war.

This produces annually in the form of taxes more than \$130,000,000; being two and a half times as much as is now paid to the railroads by the Government for carrying the mails.

In Ohio the valuation in 1912 was \$619,054,183; which in 1914 had increased to \$684,202,020.

The average rate of taxation in Ohio for 1914 was \$11.17 per \$1,000, which will produce a grand total from steam railways of \$7,642,536, exclusive of the excise tax.

And the county of Montgomery, in which I reside, on a total steam railway valuation of \$6,734,770, receives \$77,445.60, of which the amount of \$38,905.32 goes to the city of Dayton.

These large sums would, in case of Government ownership, be lost to the treasuries now receiving them, and appropriations for various public purposes would have to be cut accordingly, or new forms of taxation on corporations and individual property be devised, in order to make up the deficit. When it is considered that this proposition applies to every township and municipality through which any railroad passes, the result is appalling. In many small communities the chief item of taxes, on which the public depends, is from its railways. Assuming that the present estimates for public needs are reasonable, and would have to be maintained, the taxation, to supply deficits would probably in many cases be exorbitant and oppressive.

Take the county of Montgomery, for example. Deprived of the railway taxes, the tax on the remainder of the property would have to be nearly \$7,000,000 more than now to provide the same revenue.

WHAT HAS BEEN THE EXPERIENCE OF OTHER GOVERNMENTS IN THE OWNERSHIP OF RAILWAYS?

In Germany and Russia the prime purpose of ownership is for military uses, mobilization and safe and rapid transportation of troops and supplies in time of war. Commercial convenience and the accommodation of the traveling public are a secondary consideration.

In laying out a railway line, towns of considerable size are sometimes left quite to one side, for the sake of straighter tracks, and expedition between the capital and an important point on the frontier.

A good illustration of this is the road between Petrograd and Archangel, laid through a bleak and sparsely settled country

to a port on the Arctic Sea, that is closed by ice a great part of the time.

Such a road is of small value in time of peace, even to the Government, and could never become profitable through the carriage of freight and passengers; but in case of other access to the sea being closed, might be of great value in time of war, for a very short season.

And, as is well known, the road between Petrograd and Moscow is an air line, built entirely without reference to the accommodation of intervening towns; and with the main purpose of providing a direct and speedy transit for troops and supplies, in time of war, between the two great cities of the Empire.

As to whether national railways are, and would be, well conducted, there will doubtless be differences of opinion.

The rational way to determine the question, it seems to me, is to consider the general policy of a Government railway and its natural tendencies.

We, in America, are so accustomed to the benefits of competition and the terror of legislation, that it is hard to realize what would be the effect of having railways which are independent of criticism, and largely exempt from State laws.

The following results would seem naturally to follow:—

1st. Equipment would be inferior as to beauty and comfort, and trains would be fewer and more crowded. Those who have traveled in Germany will recall how train attendants so crowd passengers that every available seat must be occupied, before any additional car is put on for an overflow.

2d. Speed would be reduced (without loss of patronage) on the ground that it is expensive and dangerous. This might be considered an advantage.

3d. All rules would be general and fixed, and not subject to variance by local authorities to suit individuals, organizations and localities, for special occasions or unusual circumstances.

4th. Excursion rates would be abandoned.

These considerations may not be so important, however, as the matter of expense.

DO GOVERNMENT RAILWAYS PAY?

I have been to some pains to examine the facts from reports of the following countries: Russia, Prussia, France, Switzerland and Brazil.

As to Russia, it would hardly be necessary to look at the reports to determine the question negatively.

It is sufficient to look at the map to see that profit is impossible. The Siberian Railway is a great enterprise for the development of that country, and the protection of the Government; but in the nature of things, for generations to come, it cannot pay.

The latest statistics (1910) show that the State railways of Russia were operated for 70 per cent. of the revenues, while the private railways of that country were operated for 59 per cent.

In Prussia, so densely populated and productive, Government railways do pay (or did until the opening of the war). But they are made to pay by high freight tariffs and low wages. Freight rates are forty per cent. higher than in America and wages fifty per cent. lower. Expenses of operation are reasonable.

In France, some (not all) of the railways are owned by the Government. The road from Paris to the Riviera, which is the best equipped and makes the best time, is a private corporation. Official figures issued in December, 1914, show that there were in France in 1913, 5,611 miles of State owned railways and 19,654 miles of private lines. The total receipts of the two Government lines were \$65,500,000, and the operating expenses were \$58,800,000, leaving \$6,700,000 as net revenue. As the fixed charges of the two roads amounted to \$26,000,000, the State was obliged to appropriate \$19,300,000 out of the public treasury to clear up the deficit. The operating expenses of the private lines was 59.6 per cent., and of the Government lines 85 per cent. of their receipts.

Switzerland owns its railways and runs them economically and has some attractive features for travelers. For instance monthly tickets are sold at a low price, good on any line, in any direction, and may be used as often as the holder chooses during

the month designated. But that plan at the same rate evidently would not do in a large country, where the distances are great and travelers numerous. The roads would be swamped with patronage.

In Brazil the private railways are run for 67 per cent. and the State railways for 89 per cent. of their operating revenues.

In most of the countries having State railways, there is a showing of profit from operation; but it is impossible to tell whether the expense account includes betterments and new equipment, or even repairs. There is no pretense in the published reports that it includes interest on the construction or purchase bonds. Nor is there any way of determining what the original cost price was. But, placing a medium estimate upon the cost, the net revenues, except in Prussia, fall far short of paying the interest. So, almost all of such railways may be said to be a continuing loss.

THE CINCINNATI SOUTHERN RAILWAY

The brightest example, of what may be done with a publicly owned railway, is the Cincinnati Southern Railroad, owned by the city of Cincinnati, and leased to a private company, for operation.

Since the first six years of its existence, it has been run at a handsome profit, and the rental is paying off the bonds issued for its construction, at the rate of \$600,000 per annum. By 1933, the entire debt for the original construction of the road, with interest, will have been paid, and the city will be in receipt of an annual rental of \$1,105,000 from the road, for application upon its general bonded indebtedness.

Moreover, the road itself, considered as a piece of property, has so increased in value, that, if sold now, the proceeds would probably be sufficient to pay the entire debt of the city of Cincinnati, including the bonds originally issued for its construction and for terminal improvements. So, that what was originally a scheme to increase the general prosperity of the city, without much hope of profit from the investment itself, has turned out to be a great speculation.

But, it does not follow that other publicly owned railways would do as well. The Cincinnati Southern road pierced a country much in need of development, and not favored at the time by direct communication with the north or south.

Its success was not because of its municipal ownership, but because of its location. The route was wisely chosen.

The trustees representing the city were not elected, but appointed by a court, so that power was as far removed from politics as possible. And as for the leasing company, it was purely a business concern, organized to make money, and entirely independent.

THE ALASKAN EXPERIMENT

The Alaskan experiment of nationally owned railways, soon to be built, will be watched with great interest.

President Taft, in his message to Congress on the subject, while advocating the ownership of the railroads in that territory for its proper development, distinctly announced his opposition to Government operation. His idea was that the Government should own the railroads in Alaska, but should lease them for operation.

And the House committee that reported in favor of ownership declared that:—

“The building of this road by the Government and its ownership by the Government does not at all imply that the Government shall operate the railroad. It is far preferable that the roads, when built, shall be operated by lessees.”

The objects of the proposed enactment were declared to be:—

“The development of the agricultural and mineral resources of Alaska, the settlement of the public lands in Alaska, to provide transportation for coal for the use of the Army and Navy, to establish post roads and transport the mails of Alaska.”

These purposes were supposed to be authorized by Section 8, Article I, of the Federal Constitution, which provides that:—

“Congress shall have power * * * * to provide for the common defense and the general welfare * * * * to establish post offices and post roads * * * * to raise and support

armies * * * * to provide and maintain a navy * * * * to exercise authority over all places purchased * * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," etc.

It was under this clause that the Panama Canal was constructed. And it was considered quite as essential for the common defense to provide access to the only naval coal (in Alaska) now on the public domain of the United States.

THE POST OFFICE ILLUSTRATION

The success of the post office system, as managed by the Government, is frequently cited as proof that the railways could be managed in the same way.

It has always and everywhere been conceded that the Government is the only appropriate agency for the collection and distribution of mail matter. It is too vast and complicated for any private enterprise, and its steady continuance is too important ever to be subject to be affected by its unprofitable character; as it is almost essential to the very existence of any Government that it should have free and untrammelled communication with every part of its territory, to collect and spread information, to prevent revolution, to collect the taxes, and for general defensive and offensive purposes.

There are defects in the system, inherent and incidental, but they can never be wholly corrected. They must be borne because no plan yet suggested would be better. The principal appointees are creatures of political favor, and are changed with every administration. Formerly all appointees were subject to change, which worked such an inconvenience to the public, and became such a scandal that the civil service law was passed to protect subordinates and routine officials from the executive whim. Even yet the appointment of postmasters occupies the greater part of the time of the President and the members of the Senate and House. Imagine what it would be if the President and Senate were to appoint and confirm the railway superintendents and ticket agents and the thousand and one important officials of a national railway system.

But, as a matter of fact, the post office system is not wholly, nor even largely conducted by Government agents. The transportation of mails from one point to another is committed by contract to corporations and individuals, and the bulk of the money expended by the department is for that purpose. The Government does not own the railways or the steamboats, or the horses or automobiles that carry the mails. It does not even own the post offices, except in the larger towns. So that it is not quite fair to cite it as an example of Government ownership. It is under Government control, with only partial ownership and a very small part. The direct Government agents are limited to postmasters, clerks and carriers, mail car clerks, inspectors and employees in the general office at Washington.

Furthermore, it has been conducted almost uniformly at a financial loss. Last year and the year before were fortunate exceptions, and the administration may well congratulate itself in presenting a surplus of \$3,800,000 in 1913 and \$3,600,000 in 1914. The establishment and extension of offices and routes depends upon Congress and political influences. If the party in power is strong in the sparsely settled portions of the country, offices will be multiplied there, to the general loss. The deficits in the Post Office Department will continue, in all probability (with occasional exceptions, such as in 1913 and 1914), for generations, and until the entire country is thickly settled.

CHANGE OF POLICY

Hitherto the policy of the States with reference to railways has been to encourage competition and to prevent consolidation, that the demands of the public may be met as to speed, equipment and rates. It was a good policy if the private corporations are to continue. It was bad if the Government is to take over the roads, for it will be compelled to buy at full price many competing lines, which would be of little value from the standpoint of the Government, for governmental purposes.

Directly upon the inauguration of Government ownership, the old policy will be abandoned and reversed. Thereafter the policy will be to have no competing lines; the abandonment of

some will follow, and, of course, the consolidation of all the remainder. As to equipment, there will be no purpose to keep it up to date, to catch custom; for it will be no longer a case of the railway seeking the passenger, but of the passenger seeking the railway, and he must be content with what he receives.

The party in power will declare for economy in its platform and try to make a good showing by keeping down all expenses, except wages and economizing on every thing but essentials.

The policy of the railways themselves has been to develop and exploit the mineral and agricultural and manufactured products along their respective lines to as great a degree as is consistent with fair charges, regardless of the wishes of any competing sections of the country. Profit and self-interest urged this to the limit. Under Government ownership, that policy would be largely modified, if not wholly reversed.

If we may imagine the governmental management to be ideal in its impartiality, it would not allow any part of the country to expand to the prejudice of any other part. It would attempt by an adjustment of the rates, along the lines of a protective tariff policy, to allow a uniform and harmonious development of the different sections.

From the standpoint of a general patriotism, that would be commendable; but it would be discouraging to sections already far in the lead, with vast capital already engaged in mining or manufacturing. Their rapid development would be repressed by heavier rates, to allow other sections to catch up.

On the other hand, if we may suppose that the governmental management will not be ideal in its impartiality, but be influenced by the sections of the country then in political power, we may naturally look for new lines, extensions, improvements and favorable rates in localities considered important for coming elections, or represented by influential members of Congress.

If, for instance, a party is in power that receives its majorities from the sparsely settled or undeveloped portions of the country, it will be apt to favor those portions with railway expenditures, and any deficits will have to be made up by the general revenues, collected largely from the densely settled com-

munities. And the opposite party, when in power, would not be less selfish in its neglect of the sparsely settled districts, and give most of its appropriations to the already thrifty localities.

Thus, there would be a continual see-saw for railway appropriations, and a new and most disturbing question arise in each campaign to obscure other important issues not involving so much or such selfish interests.

All this would tend naturally to disturb the harmony now existing between the States, and create antagonisms about property interests as formerly.

This idea of local favoritism is not without foundation in the experiences of other countries.

Professor Hugo Meyer, in a book on railway regulations, says that:—

“In Prussia * * * * the State Railway Department is not allowed to make railway rates that will permit the surplus grain, timber and beet sugar of Eastern Germany to move by rail to the market of the mining and manufacturing regions along the Rhine, there to compete with the grain, timber, and beet sugar produced in Western, South-western and Central Germany. The failure, too, of the State Railway Department's efforts to get the iron and steel producers of the Saar districts to agree with the iron and steel producers of the Ruhr districts on what shall constitute relatively reasonable rates on iron ores moving from the Saar to the Ruhr, and on coke moving from the Ruhr to the Saar, has for upwards of two decades prevented the German iron and steel industry from exploiting freely the largest iron ore deposits on the Continent of Europe, viz.: those in the Saar region. Under the free play of competition, the Ruhr iron and steel industries would outstrip the Saar industries, but the State Railway Department cannot permit that free play competition lest it expose the government to the charge of favoring the Ruhr section.”

This attitude of the railway department has compelled these several industries “to resuscitate river and canal transportation.” * * * *

"In Russia may be observed the same paralysis of State railways through trade jealousies, and the same resultant recourse to transportation by river." * * * * On the opening of the Trans-Siberian Railway, the landed interests of Western Russia protested that they must not be exposed to competition from the wheat raised upon the cheap lands of Siberia. They succeeded in compelling the Government to place prohibitive charges upon the carriage of Siberian wheat, so that it has proved impossible adequately to develop Siberia's enormous wheat resources.

Hence, Herr von Miguel, Prussian Minister of Finance from 1890 to 1900, declared that "the system of the Government ownership of the railways will break down unless it shall prove possible to find refuge from the jealousies and conflicts of local and sectional interests behind the stone-wall of a system of hard-and-fast railway rates which admit of no exercise of discretion."

CONCLUSION

Considering the whole case, the foregoing arguments that would appeal to the average man would, I think, bring him to the following conclusions: That Government ownership would reduce passenger rates, increase the number of employees and their wages, and possibly increase the degree of safety because of fewer trains and lower speed; that individual shippers would not be favored; and that bonds issued by the Government in payment for railways, would be a safer and more salable investment than the railway bonds of private companies.

And, on the other hand, that fewer roads would be built, fewer accommodations furnished, and greater delay suffered in all shipments, operations and improvements; that the political power created by Government ownership and operation would be dangerous and corrupting; that the cost of purchase would be so great, and the expense of operation conducted at such a loss, as to be a constant drain on our national treasury, necessitating increased Federal taxation; and the withdrawal of railway properties from local taxation would increase the burdens of the individual tax-payer far beyond all possible advantages of a governmental system, and the country itself, from a position of

national credit, now unexcelled, and to which the labor and capital of Europe will soon be coming for relief, would be burdened with a debt for generations to come, as much as that of any of the great nations now at war; and that the utmost by way of experiment, that should be done by the Government now, would be to construct railways in undeveloped territory, such as Alaska, and lease them to private parties for operation; and that as to railways already built, the only prudent policy is to leave them in private hands, with strict governmental supervision and regulation.

MAKING LAW AND FINDING LAW

ADDRESS BY PROF. ROSCOE POUND, OF HARVARD LAW SCHOOL

JULY 17, 1915

Mr. President, Ladies and Gentlemen:—

When one, who had perhaps the misfortune rather than the honor to be only a Supreme Court Commissioner, finds himself described in other jurisdictions as "Judge," remembering that he did the work of a Judge, without the prerogatives and the glory attaching to that more eminent position, he perhaps might be reminded of something which I heard from the toastmaster at the banquet of a Southern bar association last year. The toastmaster said that his colored butler had applied for an evening off to go to the lodge, and he said, "Why, Sam, you don't need to go to the lodge; the lodge can get along without you." "Indeed they can't, Mars' John," said the butler, "indeed they can't run the lodge without Sam." He said, "How is that, Sam? Are you the Master?" "Oh, no," was the reply; "I ain't the Master; I'se only the Supreme King; there's seven above me yet."

Few things are more impressive to the student of social institutions than the perennial character of the problems which each time is wont to think of as peculiar to itself. A few years ago a German scholar made a minute comparison of the Code of Hammuravi, a Babylonian King of at least the twentieth century B. C., and the laws of the Salian Franks, dating from the end of the fifth century or the beginning of the sixth century, A. D. It would be hard to find two bodies of law more absolutely unrelated in the sense of derivation or influence or two peoples more unlike than the Babylonian of twenty centuries before Christ and the Frank of the fifth century, A. D. And yet their codes are marvelously alike. Point after point is dealt with in precisely the same way; point after point appears alike in each.

Again, in the fourteenth century the great Italian commentator, Bartolus, discussed at some length the question of the conflict of laws which arose with reference to the different statutes of different cities, or rather different city republics

in Italy. In the twentieth century the Supreme Court of North Dakota had that identical question before it, arising between different States of this Union, and although that Court probably had never read Bartolus, and very possibly had never even heard of him, the two reached the same conclusion, and they reached it by the same line of reasoning.

Again, probably it would be hard to find social conditions or moral ideas more diverse than in pagan Rome of the third century and Christian America of the twentieth century. Probably it would be hard to find two times when domestic institutions were in many respects more radically different, and yet, as one studies the classical law of Rome of the third century governing marriage, and divorce, and securing individual interests in the domestic relations, and then observes the course of development of the law upon these subjects in America today, remembering that our legal tradition in these respects is the tradition of the Church and of the Germanic peoples, and not the Roman tradition, he will be astounded continually at the parallel.

Apparently there is some common fundamental element in human nature which calls forth the same jural institutions and gives rise to the same juridical puzzles under the most diverse circumstances and in the most distant times.

The problems of legal history then are recurrent problems; they are perennially recurrent problems. Our own legal history, the history of our Anglo-American law, is full of illustrations of this recurrence of the same problem under different circumstances and in different forms.

For instance, the making over of the strict law through equity in the sixteenth and seventeenth centuries, the making over of the law again in the eighteenth century through the law merchant, the making over of the law again which is going on today through the influence of economic ideas of social justice, are essentially different types of the same phenomenon. The law was made over through equity by the absorption of moral ideas of fifteenth and sixteenth century clergymen; the law was made over in the eighteenth century by

the absorption of business ideas through the influence of the merchants of that time; the law is being made over under our eyes today through the absorption of ideas of social justice derived from twentieth century social science and economics. And yet, these are essentially the same phenomena. In each case the law for a time had become over-rigid and it attained the necessary measure of flexibility through the absorption of ideas developed outside of the law, contributed by sixteenth century clergymen or eighteenth century merchants or twentieth century economists.

One of the most striking examples, however, of this recurrence of old problems in new forms may be seen if one compares the American law of the end of the eighteenth century with the American law of today. After the Revolution the task of the American judge and of the American lawyer was to shape the feudal law of mediæval England, as it had been modernized to meet the conditions of commercial England of the seventeenth and eighteenth centuries,—to shape this remade feudal law into a law for the pioneer agricultural rural population of nineteenth century America. This task was not left to the lawyer without a contest, and was not achieved by him without a struggle. As this contest proceeded, there were many who would have thrown away all law. There were those who argued that this new land, a Christian community, a Christian nation, needed only the Scriptures and the Holy Spirit to guide its conduct, and law was, as Terence Mulvaney was wont to say, “an impertinent and shuparfluous necissity.” There were those who would have thrown over simply our inherited common law system. They said that our inherited law was a dark and knavish business, ill suited to the freer and purer air of the new world, in which a new start was to be made in politics, in law, possibly even in religion. While the judges and lawyers of America were shaping the common law of England into wider Anglo-American common law that was to be the law of the world, Colonial and frontier America tried substantially every expedient of which we hear today. The Haroun al Raschid type of executive justice, with which administrative boards are not unlikely at pres-

ent to make us familiar, clerical adaptations of the Mosiac Code to be the code of the New England Colonies, recall not merely of judges but of courts and the whole judicial system, legislative recall of judicial decisions in the form of legislative appeals, legislative review, and legislative new trials,—all these things were tried, and that period produced relatively a legislation quite as copious as the prolific legislation under which we stagger today.

Moreover the legal muckraker of today emits but a feeble note in comparison with the resonant croakings of Benjamin Austin, the chief legal muckraker of the period that gave us Marshall, Kent and Story.

Today the task of the American lawyer is to make the juridical materials fashioned for pioneer, rural, agricultural America of the nineteenth century into a law for urban, industrial America of the twentieth century. Obviously it is but the same problem in a new form—it is the problem that will always confront lawyers till the triumph of anarchy or the advent of the millennium do away with the need for law, namely, to shape the rules that have come down to us as a part of the civilization of the past so as to further the civilization of the present. Hence, also, the contest between legal reason and authority, which the process of achieving that task is bringing out, is but illustrating the tendency of legal history to repeat itself. The same contest raged between the great lawyers of the classical American law and those, on the one side, who would worship every jot and tittle of the law in the English books and those, on the other side, who would have codified a supposed law of nature. Today the contest appears superficially one between common law and legislation. But to look at it in this way is to lose its real significance and in so doing to imperil the lawyer's position. It is not conscious making of law that we are to resist. It is rather the setting up of will, merely as will, as the measure of law in the place of reason. So viewed, the contest between what I have ventured to call finding law and making law is but a phase of the perennial contest in social institutions between reason and force as modes of social control.

When today, with the experience of the past, with legal history behind us, we try to frame an account of the purpose and end of law in the modern world, I suppose we should say that there are certain interests, social, public and individual, which require to be secured, and that the law is that agency which secures those interests through reliance upon the force of organized political society. But in its beginnings the law was by no means so ambitious. The law by no means in the beginning sought to secure as many of these interests as it could. The law was brought into being by the exigencies of one single fundamental human interest, the social interest in the preservation of the peace, peace and order in society, without which civilization is quite impossible. And the whole nature of law, the whole course of legal development, has been shaped by the exigencies of that one interest, which called law originally into being. To primitive society the one great problem was the simple one of keeping the peace, of providing some means whereby controversies might be peaceably adjusted, whereby men might resort to some peaceable arbitration, instead of fighting out their controversies through private war. If we wish to understand the situation with respect to all disputes in primitive society we have but to look about us today in an American community when an industrial dispute is on, when an employer upon a large scale and his laborers are engaged in a dispute. Our motto today is not, "Let justice be done though the Heavens fall," but rather, "Peace at any price." Every agency in society is brought to work to compel these contending parties to submit to some form of arbitration. Press, pulpit, politician, executive department, as like as not legislative department, all departments in short, except the judiciary, who are unhappily hampered by the law, throw themselves into the breach to put pressure on the contending parties and compel them to arbitrate. But these arbitrations settle nothing beyond the case in hand. They make no precedent. They discover no principle. All is to be done over the next time.

In the beginnings of society this compelling disputants to arbitrate is exactly what the law endeavored to do, and all

it endeavored to do. In the old Roman lawsuit of the period just before Cicero, there is preserved for us a ceremony which takes us back to the very beginnings of the law. If the plaintiff and defendant were contending over a piece of land, a clod from that land was brought before the magistrate. The parties each had in their hands a staff, representing, we are told, a spear. The plaintiff put his staff, or spear, upon the clod and said, "I say that land is mine by legal title." The defendant then put his staff upon the clod and said, "I say by legal title the land is mine." Then the prætor stepped between them with his staff, representing a spear, put it down between them, and said, "Let go, both of you," and the ceremony was gone through, resulting in an arbitration. There was no direct judgment of the law throughout the whole course of the republic at Rome, but every proceeding ended with reference to an arbitrator. Down well into the imperial period, the judge who decided the cause, or rather the arbitrator who decided the cause, sent out for an expert to tell him the law, while he attended to the function of investigating the facts.

We say then that in the beginnings of law all that can be done, all that the law seeks to do, is to induce a peaceable settlement, but, as men will not be satisfied with a decision of causes upon authority, resting upon force rather than upon reason, the next step which the law had to take was to find some principles or standards for decision, so that decisions might be grounded upon reason and not upon force; and from that it was an easy further step to the establishment of general rules of conduct in advance of controversies, by which controversies might be not merely decided but even averted.

If we bear this bit of history in mind we see that, first, the law devoted its whole energy to finding simple rules of decision. The modern conception of rules of conduct is one which was evolved as the result of the perfecting of these rules of decision.

These rules of decision, which are also rules of conduct, may be either of two types. They may be rules which are discovered by experience of the adjudication of controversies

and are handed down as parts of a traditional body of legal principles, or they may be rules not found in this way but made consciously, rules authoritatively declared, or deliberately made as the will of the political sovereign. And so we have in every developed body of law two elements, in the legal system, an imperative element resting upon the authority of the State, and a traditional element resting upon the experience of the past in the adjudication of controversies. We think commonly of this imperative element as the modern element. But there is a progression from each of these to the other. In time the imperatively enacted rule becomes part of the legal tradition. A gloss of interpretation grows up around it, and it is swallowed by the common law. For example, the old English legislation prior to the Revolution is a part of the common law of this country, as for example, the statute of limitations and the statute of frauds. In like manner in our Western States, the homestead statutes have become practically through their construction and interpretation a part of the common law. On the other hand, as the traditional element is developed by juristic science, presently it comes to be declared and formulated authoritatively, as, for example, in our negotiable instruments law or sales act or the new uniform partnership act, which simply codify what has been worked out through judicial experience. We have then in our law these two elements. On the one hand, the traditional element resting originally in the customary modes of decision of causes, but presently developed by judicial experience and by juristic science, until it becomes a scientific body of principles resting, as men believe, upon reason, and having the basis of its authority in conformity to ideals of right and justice, and, on the other hand, the imperative element, which avowedly rests simply upon the authority of the State.

Let us look for a moment at each of these elements, and at the part which it plays in the administration of justice.

And first of the traditional element. The common law has been praised so often and so justly that I am going to look first at the other side of the picture, because in appraising our legal system for the purposes of the present and the future we must

look without prejudice at both sides of this immemorial tradition of our common law. And if we look at it critically, I think there are three difficulties in the utilization of a traditional body of law for the future which at once suggest themselves.

The first is a tendency in the traditional part of the law when it comes to be worked over scientifically to an over-abstraction, a tendency to be satisfied, for example, with an abstract liberty, or an abstract equality, to be satisfied if the rules looked at abstractly measure up to these abstract conceptions of liberty and equality, although in their concrete, every-day applications they may as like as not defeat them.

To avoid anything controversial, I am going, by way of illustration, to remind you of an oft-told story of one of the English judges of the last century at the time when the old divorce law was in force in England, which compelled one to resort to Parliament for a divorce.

It happened one day that Mr. Justice Mall was called upon to sentence a prisoner convicted of bigamy. It chanced that the prisoner's wife had run away with another man and was living with him in one of the colonies, and the prisoner conceived that that was a sufficient warrant for him to go through a second ceremony of marriage. Whereupon he was convicted of bigamy, and Mr. Justice Mall, in sentencing him, spoke somewhat in this fashion: he said, "My good man, you have entirely mistaken your remedy. This was by no means a situation where you were without legal relief. You should first have brought an action in the Court of Common Pleas against this man who you say ran away with your wife, and then at the end of three years' litigation and the expenditure of some three or four hundred pounds, you would have recovered an uncollectible judgment for damages against him. Then you should have gone to the ecclesiastical courts and have prosecuted there a proceeding for a divorce from bed and board. That would have taken another two or three years and would have cost you three or four hundred pounds. Then you would have been at liberty to apply to Parliament for an act of divorce. This in the ordinary course would have taken two or

three years and very likely would have cost you some thousand pounds. But thus, after the lapse of possibly ten years and the expenditure of some two thousand pounds, you would have been at liberty to remarry. And if you tell me that at no time in your life have you ever had or do you ever expect to have two thousand pennies, my answer must be that it hath ever been the glory of the law of England not to have one law for the rich and another for the poor."

That tendency then to be content with an abstract equality, abstract liberty, abstract justice, is a vice which perennially develops in the scientifically worked out traditional element of the law.

Another difficulty equally conspicuous, as we review the history of the traditional element of the law, is a tendency to logic for logic's own sake, a tendency to the logical working out of means, neglecting the end, a tendency in the logical pursuit of a principle to its ultimate logical consequences to lose sight of the end for which law exists. This tendency I think was especially marked in American legal procedure of the last century. I should say that that tendency reached its height in our procedure from 1875 to 1890, and has been steadily on the wane, rapidly on the wane ever since. But it was marked in that period. And I suppose it is really simply an example of the tendency to pursue logic for its own sake which is involved in all science and in all system. It is a penalty which we pay for the science and system which we must have, which achieves so much for certainty, so much for uniform and impartial administration of justice, and yet involves the sacrifice which is involved in all machinery.

This is not peculiar to legal science. It can be seen in some of the most practical of the sciences. I suppose you would agree that nothing is more practical, nothing requires more efficiency or puts efficiency more severely to the test than military science or naval science, and yet we see the same thing here.

For instance, the historian tells us that at the Battle of Balaclava the English pickets, who were posted out in advance to warn the English forces of the advance of the ene-

my, were themselves surprised, and that the attack upon the main body had actually developed before they were at all aware that anything had happened. The historian explains that this was due to the high discipline and drill of the pickets. They had been drilled to walk back and forth on their beats with their eyes straight to the front and their muskets in a prescribed position and at a prescribed angle, and they walked back and forth on those beats so faithfully that an army corps of Russians could pass between them without attracting their attention.

Again we are told of a naval battle in the eighteenth century where the Admiral, in his order of battle, prescribed that the ships should go into action a certain distance apart. One of the English captains was so anxious to comply with the order and he kept his eyes so carefully on the ship next ahead of him and shaped the course of the vessel so carefully by the aid of the compass, that in the smoke of battle he drifted through the enemy's line without an opportunity to fire a single shot.

These cases where the end has been sacrificed to the means have a lesson for us in legal science, because we are very apt to do the same thing for the same reason. We are apt in the logical development of the means to lose sight completely of the end.

Then there is a third tendency which is no less marked in the traditional element of the law; that is, the tendency to take historical accidents, things which have come into the law fortuitously as a result of legal history—to take them to be as it were a part of the jural order of nature. That is something to which Anglo-American law was particularly prone through the dominance of historical study in the last century. There is a certain amount of truth in it. The traditional element does represent experience of the actual determination of concrete disputes. But the circumstances of one time, the analogies that one time presents, may and often do put rules into the law which represent simply the first analogy that the lawyer had at hand when the first case arose. We must be careful—and we have not always been sufficiently careful—to dis-

tinguish those things which represent a genuine and tested experience from those parts of our traditional system which represent simply the accidents of legal history.

Permit me, at the risk of consuming a disproportionate amount of time, to give you two examples of what I am attempting to bring out.

There is a rule, with which, of course, you are all familiar, that if in a devise of lands in a will there is an impossible or illegal condition precedent, the gift fails. But if there is a gift of personalty in a will upon an impossible or illegal precedent condition, the gift stands, and the condition is treated as though it had not been written; it is wiped out. That rule does not represent any experience in the adjudication of causes at all. It represents no intrinsic, no logical difference between lands and chattels. It represents simply the accident of the time at which a Roman jurist was first called upon to pass upon this matter of a condition precedent in testaments. This question first arose in the latter days of the Roman republic, at a time when wills were greatly favored, because they were the only means by which the Roman could avoid a most inequitable scheme of inheritance which had been imposed upon him by the religious ideas of the past. The jurists favored wills; they were anxious not to defeat them; and when there was danger of a gift failing through an impossible or illegal precedent condition, they simply wrote the condition out of the will, and upheld the will. The common law on the subject of conditions arose at a time when there was no reason to favor wills. It arose at a time when everybody was perfectly satisfied with the common law as to the inheritance of property. Possibly if it had arisen in the nineteenth century, when the succession of the eldest son was not so popular, the Roman course might have been taken; but, coming up at a time when everyone was satisfied with the law of inheritance, the doctrine grew up, and properly so, that if one desired to dispose of property by will, he must do so according to the rules of the law. Consequently, if his condition precedent failed, his gift failed. Now, in the eighteenth century the English chancellors had read the

Roman law not wisely but too well, so that if a thing was labeled Roman, or "civil," that was regarded as a sufficient reason for adopting it. Hence when they were dealing with gifts of chattels, which in the past had been in the jurisdiction of the ecclesiastical courts, and had been governed by the civil law, they not unnaturally, for both reasons, turned to see what was the law of Rome. Finding in the Roman law this rule about impossible conditions, they annexed it bodily, and today we have in our law, as a pure matter of historical accident, this distinction between the gift of land and the gift of chattels.

Again, possibly a more striking example is to be seen in our law of partnership. As you look into the practice of business men, the business man thinks of a partnership as something quite distinct from the partners. Each partner owes the partnership; the partnership owes him; he has his property; there is a partnership property; they enter into accounts, the partnership with each and each with the partnership. If our law of partnership had been developed by the custom of merchants, as our law of bills and notes was, I venture to say a partnership would have been thought of as a legal person. But it was not. The law of partnership was taken, and taken almost bodily, from the continental treatises on commercial law, which took their law bodily from the law of Rome; and when the question of partnership first arose at Rome, it did not arise with respect to a business partnership, but with respect to the relations of two brothers, who, on the death of their father, kept up the household as a joint household. There the property was joint property; the debts were joint debts; the assets were joint assets. Consequently the Roman jurist started with the proposition that a partnership was nothing but a case of common ownership, and our law has been clinging to that conception ever since, in the face of the exigencies of business and the determination of business men to think of and deal with a partnership as a person.

I mention these two matters at some length to show you how often and in what important particulars it may happen that the accidents of history determine the course of the law.

On the other hand, it must be conceded that for the greater

part the traditional element does truly represent a human experience of the rules which, if I may use such a phrase, have "made good" in the practical administration of justice.

On the other side, what are the advantages of this traditional body of law when we come to use it as juridical material for the future? I think there are three that stand out quite as prominently as the difficulties of which I have just spoken.

And I think the one that deserves to be put first as one studies legal history is that the traditional element is our great safeguard against the shaping of the law by class interests. We read very commonly in the periodicals and in the observations of economists and sociologists and organs of class interest to the contrary, but I undertake to say that legal history completely vindicates our tribunals of that charge. The habit of referring all questions to principle, the settled habit of looking at the particular case, not by itself, but as a type of a universal question, the endeavor to make the law conform constantly to ideals of right and justice, have always stood between tribunals and the pressure of class interest. One has only to see how the English mediæval courts barred entails, cut off the tying up of the estates of the English nobles in the face of the statute *de donis*, and in the face of the overwhelming interest of the dominant class in mediæval society; he has only to see how the English courts today in the Osborne and the Taff Vale cases have stood out for principle and reason and system in law against a Parliament dominated by the representatives of organized labor, to see that neither the great in position nor the great in numbers have been able to swerve the traditional element of the law from the path marked out by science, by system, by logic. That then I should put as the great advantage.

But second only to that is the advantage that the rules which make up the traditional element of a legal system represent actual experience in the adjudication of concrete causes. They are made inductively, from actual cases; they are not made deductively, by deduction from an abstract principle, to meet the exigencies of an unknown future.

Third I should put as an advantage of the traditional element of the law that it peculiarly combines certainty and flexibility in the administration of justice. It admits of flexibility because it deals with cases one at a time as they arise. It admits of certainty because it proceeds by a logical technique which enables you, given the premises, to determine the results in cases as they arise with a reasonable certainty.

For these reasons then I take it in all the growing periods of law and legal history, the growth has taken place, not through legislation, but through the traditional element of the law. The classical stage of the Roman law in the third century was a stage of development of the law by the Roman jurists through a theory of natural law, not through legislation; the making over of English law through the court of chancery was the work of lawyers and judges, not of Parliament; the making over of English law in the eighteenth century through the law merchant was achieved by Lord Mansfield and his colleagues in the courts, not by Parliament; the making over of the common law of England into a law for America in the nineteenth century was the work, not of American legislatures, but of American courts.

If we turn to the imperative element of the law, the first thing that comes to our notice is that that is relatively a new feature of legal systems. Conscious, deliberate, intentional law-making is something relatively modern. The beginnings of legislation are not attempts at conscious law-making. They are simply attempts at formulating what has been the law already. For a long time the actual making of the law goes forward subconsciously. Perhaps the beginnings of legislation are to be seen in cases where two tribes or two peoples, which formerly had diverse customs, unite and try to state the common custom of the whole. There it becomes necessary to pick and to choose and to harmonize; an example may be seen in Alfred's law. He had to harmonize, as well as collect and put into one body of law, the law of the different nations or states which made up his Anglo-Saxon kingdom. And he tells us he did consciously amend and select, but he says, "I durst not set down aught of mine

own." He made nothing. So men begin simply by picking and choosing and possibly amending. Then, at a later stage, when men are still not prepared to deliberately state or deliberately change, they find they can change, without the appearance of change, by altering the written record. It is not, however, until a relatively late date, it is not until the maturity of the law, that we find the law-maker deliberately making something new and establishing it as something that has been made consciously for the first time.

Along with these two elements in a developed system of law we find not unnaturally two theories as to the nature and origin of law. On the one hand we find a theory that law is something which can be found but cannot be made, something which expresses the principles of right and justice which are discovered, but something that must rest upon reason, upon conformity to right and justice, not upon authority. That is the Germanic tradition; that is the mediæval tradition; it is the common law tradition in which you and I have been trained. On the other hand, there is what might be called the political tradition, the conception of law as something that is and may be made consciously, as something which rests upon the authority of the state, as something which is simply the expressed will of the sovereign. That is the Roman tradition, although it would be more just to speak of it as the Byzantine tradition; it is the tradition of the student of political science; it is, I suppose, the theory of the American legislator today.

Let us notice where that theory comes from and it will aid us in appraising it. We speak of it as Roman. It is not Roman. The *populus Romanus*, when it legislated, did not conceive for a moment that it made something that rested simply upon authority. The Roman people conceived that they declared; that they were discovering and declaring; and it was not until the great political change, from the period of Diocletian on, when the political theory of the Roman empire was that the will of the Emperor had the force of law, that men conceived of law as simply the will of the sovereign. That conception of law, as the expressed will of the sovereign, was handed down

to mediæval Europe through Justinian's codification. It was taken up by the great publicists of seventeenth century France, who saw in the French King the living type of the Byzantine Emperor, and wrote their books on public law accordingly. They made the conception of law as the will of the sovereign the very center of their theories. The eighteenth century transferred this idea from the sovereign King to the sovereign people. Thus it came full blown to America and has taken form with us in the theory of law as will and will alone; in the theory of law as the will of the people or the people's representatives, so that the words, "Be It Enacted," can support and justify anything which follows.

With these two theories of law-making in actual operation in the community, I need not say to you inevitable conflict arises between the lawyer's theory and the political theory. The lawyer thinks of law as something which on the whole is found but not made; he thinks of law as the expression of principles, as having its sanction, or rather the basis of its authority, in reason and principle; and whenever he finds anything that runs contrary to these, he hesitates to admit that it is or can be law. The people, on the other hand, think of law as something which can be made; as something which they do make. They think of rules and principles as significant only as they bear upon them the stamp of the popular will. So that, while the lawyer, with his eye upon universal principle, often thinks he is administering the law, the layman with his eye upon the letter of the law, thinks that he is undoing the law; and if the lawyer is moved to stigmatize everything that does not conform to his theory as lawlessness, the people are quite as apt to stigmatize what does not comport with their theory as usurpation. We must remember that the popular theory, the political theory of law, is as firmly rooted in the minds of the public as the legal theory is in our minds. The layman learns this theory at school; he hears it from the stump, from the Fourth of July platform, from Chautauqua platforms; he reads it in the press, he seldom hears it questioned. The consequence is our law presents continually a clash

between these theories, and we are called upon to ask ourselves, is one or the other of them absolutely right or absolutely wrong, or, is there truth in both of them, and must we recognize this truth and perceive a just relation between the finding of law and the making of law?

I must hasten to the end of these remarks, and I would simply venture to suggest to you an outline of what I conceive must be done here. I think we must abandon both of these absolute theories. The important thing is not the agency that makes the rule, but the end which the rule subserves. The important thing is the securing of the great interests which the law exists to secure. The important thing is the serving of the human ends for which legal systems are set up. Some of these interests are better secured by the authoritative declaration of rules in advance; some of them can only be secured by experience of the rules which will secure them.

Lord St. Leonards, in commenting on English legislation of the English reform movement, was fond of putting a statute like this, which he said Parliament might enact at any time, "Be It Enacted That the King's loyal subjects may and they are hereby empowered to go forth upon any and all the public roads, streets and highways of the Kingdom in the month of April without umbrellas without getting wet."

We laugh at that statute, but there is much in judicial law-making that is quite as out of touch with this throbbing, living world in which law is to be applied. The point in each case is, we must keep our eye, not upon an abstraction, but upon the end for which that abstraction is framed. And so, in conclusion, I would say to you the task of the lawyer, of the judge, of the jurist in twentieth century America, is to make law-making and law-finding,—yes, and the interpretation and the application of legal rules,—take more account, and more intelligent account, of the social facts from which law proceeds and to which it is to be applied. It is the task of the legal scientist of today to bring home to the legislator the limitations upon legislative law-making. It is his task also to bring home to the judge the possibilities of judicial finding of the law, for,

if—and it is true—the judicial law-maker has a more limited field than the legislative law-maker, it is none the less true that he has great possibilities in that capacity, as such names as Kent and Marshall and Mansfield and many that I might repeat to you bear daily witness.

It is true the legislative law-maker makes a rule only for the causes of the future. Therefore, he may make new premises; he may shape his premises and develop them as he will. The judicial finder of the law, on the other hand, finds a rule to apply to the transactions of the past, and the social interests which require certainty in the administration of justice preclude him from doing more than to take the given premises and develop them by a scientific technique. But this does not absolve the legislative law-maker from seeking for principles or guiding himself by theories. Nor does it absolve the judicial finder of the law from shaping those principles and using that technique to further the social ends for which law exists. So I say, the task of the legal science of today is to bring home to the judicial law-maker that he is one of the great builders of the law, and that he has that responsibility of building the law as much today as Mansfield had it in the eighteenth century or Coke in the seventeenth; to bring home to all law-makers, legislative and judicial, the responsibility of seeing to it that the laws conform to the social facts to which they are to be applied, a responsibility which rests heavily upon everyone who is called upon to make rules for the administration of justice.

In Memoriam



HERMAN B. ALBERY
SAMUEL O. BAYLESS
M. G. BELL
CHARLES C. BOW
WALLACE BURCH
EVAN D. DAVIS
HON. WILLIAM LOWRY DICKSON
THOMAS J. GREEN
NATHAN M. GUMBLE
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FRANK COE HUBBARD
JOHN LEDYARD LINCOLN
JOHN COOPER LOOMIS
MYRON AUGUSTINE NORRIS
HIRAM D. PECK
H. S. PROPHET
JOHN RINER SAYLER
HON. J. FOSTER WILKIN
JOHN W. WILLDIS

HERMAN B. ALBERY

Judge Herman Braun Alberly died at his home in the Norwich Hotel, Columbus, Ohio, February 22nd, 1915, in his eighty-ninth year.

His death was a surprise to his many friends, because he had only recently appeared at his place of business in apparent good health. To the members of his immediate family it was known for some time that his end was approaching. Heart failure and senility were the causes of his death. For the last twenty years of his life Judge Alberly was afflicted with blindness. This necessitated his giving up practically all of his practice. During this time he attended to such matters only as old clients, who refused to have any other attorney, brought to him.

He was born June 23rd, 1826, in Wayne County, Ohio, and at an early age his parents moved to Franklin County, where they settled on a farm. His early schooling was in the country schools. At the age of sixteen he began to teach school in an adjoining township. In 1845 he went to Bourbon County, Kentucky, to become the principal of the Cane Ridge Seminary. He retained this position until 1849, when he joined the great rush to California in search of gold. He made the trip by way of the Isthmus of Panama,—a trip in those days being long and tedious and full of danger. After two years in California, he returned to Ohio. Deciding upon the law as a profession, he entered the office of Judge Joseph R. Swan, one of Ohio's foremost jurists. While yet a student, he was appointed Chief Deputy in the Probate Court. In 1857, two years after his admission to the Bar, he was elected Probate Judge of Franklin County. He served two terms with distinction. After retiring from this office he resumed the practice of law. Aside from his work in the Probate Court, Judge Alberly served in several other public capacities. In 1862 he was appointed by Governor Tod as one of a Committee of representative citizens to recruit men for the War between the States, and in

1876 he was appointed by Governor Hayes as a Director of the Ohio Penitentiary.

In 1854 he married Miss Julia Smith, who died in 1865. He later married Miss Clara Smith, who, with two sons, survive him.

He was an active church worker, being a member of the Methodist Episcopal Church. He was also a member of the I. O. O. F. Lodge.

Throughout his long and useful life, whether serving in an official capacity or in his private practice, Judge Alberty was true to the highest ideals of citizenship.

He was a lawyer of the old school, thorough and painstaking in his preparation of cases, and possessing a clear and profound knowledge of the law and a forceful and vigorous intellect that placed him among the leaders of the Bar.

SAMUEL O. BAYLESS

Samuel O. Bayless died at his home in Wyoming, a suburb of Cincinnati, on the morning of October 21, 1914, after an illness of long duration.

Mr. Bayless was born June 24, 1848, in Tippecanoe County, Indiana, the son of John M. and Christina Bayless. He received his early education in the common schools of his State. During the years of his early manhood he worked upon his father's farm in the vacation months between the school sessions. He taught in the country schools of his home county, and later took a literary course at Lombard University, Galesburg, Illinois. His legal training was obtained at the University of Michigan. He began the practice of law in 1870 at Frankfort, Clinton County, Indiana, where he remained until 1895. He was elected Mayor of Frankfort, Indiana, in 1874, and served the city in that capacity throughout four successive terms. During his twenty-five years of practice at Frankfort he was retained, at one time or another, by every railroad which entered that city, whence he gained a reputation as an authority in railroad matters, particularly as to the securing of

rights of way for railroads and in connection with railroad receiverships and the taxation of railroad properties. In 1895 he came to Cincinnati to take employment as Assistant General Counsel of the C. C. C. & St. L. Railway Company, and he served in this capacity for a little more than ten years, giving the road his entire time. After leaving the service of the railroad, he took offices in the First National Bank Building, Cincinnati, and began the general practice of the law, which was continued until his death.

His affable disposition and his remarkable personality were most fully known to, and most thoroughly appreciated by, those most intimately associated with him. He took a great interest in the younger members of the profession, and often went out of his way to counsel and assist them.

Mr. Bayless was married in 1872 to Miss Emma D. Clark, who with two daughters, Mrs. Benjamin F. Paddock and Mrs. Carroll W. Kirby, survive him. He was a Mason, and a member of the Indianapolis Consistory.

MARION GRANT BELL.

Marion Grant Bell, Bellefontaine, Ohio, died on April 17, 1915, at his home on East High Avenue in that city.

Mr. Bell was born of Scotch-Irish ancestry on a farm near West Mansfield, Ohio, August 13, 1865. He was the son of Cyrus and Sarah J. (Hamilton) Bell. His paternal grandfather was born in Ireland in 1781, coming to America when a young man and settling in Virginia. He later moved to Guernsey County, Ohio, and then to Logan County, locating in Bokes-creek Township in 1835. Cyrus Bell, father of Marion Grant Bell, accumulated some twelve hundred acres of land in Bokes-creek and Perry Townships. He married Sarah J. Hamilton in 1857, and nine children were born to them.

When Marion Grant Bell reached school age, he attended the district school near the family home in Bokes-creek Township. He pursued his education there for several years and then entered Ohio Northern University at Ada, Ohio. He grad-

nated from that college with the degree of Bachelor of Science in 1890. The young man had previously decided that the practice of law held out the best prospect as a profession, and in October, 1890, he entered as a student the office of West and West, of Bellefontaine. Having read law before entering their office, he was admitted to the bar in December, 1891, having successfully passed the examinations at Columbus.

Immediately after being admitted to the bar, Mr. Bell established an office in Bellefontaine. The zeal with which the young attorney began his career created favor for him, and soon he attained a good general practice. Of Mr. Bell it is said that he considered carefully every detail of the cases brought to him. His close consideration of details won for him many clients.

The marriage of Marion Grant Bell to Miss Carrie Beelman, the daughter of Jacob and Caroline Beelman, of Bellefontaine, occurred on July 12, 1892.

A number of years ago Mr. and Mrs. Bell united with the First Presbyterian Church and proved devoted members. Their daughter is also a member of this church. Mr. Bell was a member of the Presbyterian Brotherhood. He was also a member of the Knights of Pythias and the National Union.

In 1912 Mr. Bell was appointed Postmaster of Bellefontaine by President William H. Taft, and was serving in that capacity at the time of his death.

CHARLES C. BOW

Charles C. Bow was born on a farm near Atwater, Portage Co., on January 12, 1858, being the son of Abraham and Mary Burns Bow, his father coming from Connecticut in his early boyhood. His early life subjected him to no hardships which he did not cheerfully accept, and left no memories save those which he recalled with delight, as those will know who swapped boyhood reminiscences with him. He attended the Alliance Public schools, and before he was graduated from the Alliance High School he had studied in the law offices of several Alliance firms.

Immediately on his graduation he again took up the study of the law and continued his studies during the time he served as deputy clerk of the Stark Co. common pleas court under B. D. Wilson, taking the position in 1881 when he was twenty-three years of age.

He was admitted to the bar in 1883, and subsequently resigned as deputy clerk and formed a partnership with his devoted friend, Judson A. Wans.

Thus it appears he was in practical life while other young men were in college. Nevertheless, his character and diligence were so persistent that he was able to possess himself of nearly all the advantages of a college training.

He was elected prosecuting attorney in the fall of 1890, during the famous McKinley-Warwick campaign, was subsequently re-elected, and served in all six years. After having finished his work as prosecuting attorney, he again assumed the practice of the law in partnership with Harvey F. Ake, now judge of the common pleas court, which partnership continued until his election to the office of probate judge in 1906, in which office he served until February 8, 1913. After he retired from the office of probate judge, he entered the partnership of Bow, Amerman and Mills, of which firm he was the senior member at the time of his death.

In early life he was married to Ella Townsend of Columbiana, Ohio, who died. In 1896 he married Anna Withrow, who with their two sons, Homer and Frank, survive; a daughter, Josephine, the youngest child, having died in early life.

He was a member of the Benevolent and Protective Order of Elks, Knights of Pythias and Knights of Maccabees and was a member of the First Presbyterian Church. He was also a member of the Canton Chamber of Commerce. In his political affiliations he was a Republican.

As a lawyer, his diligence was only exceeded by his fine instinct and quick intelligence. He had the rare faculty of sensing the law applicable to a case, which faculty is only another name for the power of quick generalization, one of the most admirable faculties a lawyer can possess. He knew

the probative force and value of testimony, and never suffered the salient facts to be obscured by detail. He was an adept at cross-examination, on which subject he had decided opinions. He knew where to quit, and could most generally end it with a climax of briefness, often to the consternation of opposing counsel, and the witness as well. He was deferential and most respectful to the court. He won the respect of the court and jury by his fairness and by scrupulously trying every case strictly on its merits. As a practitioner he ranked very high and commanded the best clientage, and was connected with much of the most important litigation in the county during the periods of his active practice.

As a prosecuting attorney, he was exceptionally humane in his treatment of criminals, anticipating by instinct the progressive and enlightened ideas of the present.

As a judge, in that office which comes so very close to the people and the duties of which are most persistent and continuous, he displayed a kindly wisdom and patience, and exhibited in all a deep personal concern and taxed his physical strength to the utmost, and it may be truly said if not the best probate judge Stark County ever had, at least was surpassed by none, and no one had a higher sense of the dignity and importance of that office. There was no phase of its various duties, whether in practice or law, with which he was not familiar and for the improvement of which he had the most practical and clarified opinions. The law evolved in petty criminal cases received the same conscientious consideration usually required and demanded in felonies and capital crimes. It is no fulsome praise to say that Judge Bow was one of the ablest lawyers that ever practiced at the Stark County Bar, and in certain notable faculties he excelled them all. No lawyer of the Stark County Bar ever left a richer legacy to his professional brethren in all that makes that profession honorable, efficient and noble.

So varied, so full and fair is the story of his life; so manifold his service and influence of heart and mind and soul, that this brief memorial must of necessity be woefully inadequate.

He was so genuine that no vestige of prudery or snobbishness tarnished his conduct. Of him it can be truly said that he was able to rule his own spirit, for no one ever saw him lose his temper, indulge in profanity or engage in acrimonious debate, and many a lawyer had his anger suddenly stilled by a sally of pregnant humor, or thereby found himself *hors de combat*. His companionship was as wholesome and medicinal light. Only ill health necessitating care and self-denial kept him from larger, but not therefore less, important fields of usefulness through which fame and wholesome notoriety would have come to him; for there is no office, State or National, which he could not have filled with sustained honor and usefulness. What an engaging personality was his, and what a gift of humor,—a truly divine gift, a something that sanctified and humanized the social atmosphere in which he moved; that subdued the rigors of his suffering, prolonged and persistent, due to an incurable malady. His heroism and fortitude in this regard are touchingly beautiful and exemplified the highest Christian virtues. Everyone of us at some time has felt the gentle shafts of his quick wit which came so pat and promptly in repartee, but all kindly without the poison of malice or sarcasm.

A summary of his attributes of character would contain intellectual excellence, splendid courage and independence, public probity, lofty ideals, spotless domestic life, practicing only what was worthy of an enlightened conscience.

These attributes are the sure and enduring proofs of great citizenship, a life of faithful service, an ideal character, whose memory is a benediction, a man who never met a stranger but everywhere a friend and a neighbor. If this be not the sum total of Christianity it is a fruit that flourishes only on the lofty tablelands that look over into the Celestial City.

WALLACE BURCH

Wallace Burch, at the age of fifty-seven years, died at his home in Hyde Park, Cincinnati, Ohio, on the evening of August 30th, 1914, after an illness which covered a period of about three years.

He was born on a farm back of Newport, Kentucky, on May 18, 1857, and in early childhood removed with his parents to Maineville, Ohio, where, at the age of five years, he lost his father, James L. Burch, a captain in the Union Army, who, at the time of his death, was but twenty-five years of age.

His boyhood was spent on a farm near Maineville, where he was educated in the country schools. Later, through his mother's sacrifices and his own ambitious spirit, he was enabled to enter Ohio Wesleyan University, at Delaware. After a two years' course at this institution, he commenced the study of law at the Cincinnati Law School, and was admitted to the bar in 1879.

A young man without financial resources but imbued with a determined spirit to succeed, he first tried his fortune in San Francisco, California. There, clients did not come to him, and he was forced to return to Cincinnati in less than a year. He soon formed a partnership with Simeon M. Johnson, under the firm name of Burch and Johnson, and this continued until a few years ago, when Mr. Burch's health began to fail.

Mr. Burch was married in 1883, to Virginia Richards, daughter of Randolph Richards, and she, with a son, Robert B. Burch, and a daughter, Mrs. Edward M. Fagaly, survive him. Another son, Richards Wallace Burch, died in young manhood in 1903. Mr. Burch was an active member of the Methodist Episcopal Church.

Among many lawyers of the Hamilton County Bar, he acquired the reputation of being one of the best trial lawyers. He was most effective in addressing a jury. He had a rare understanding and appreciation of human nature, which, added to a deep industry and a supreme faith in the causes which he espoused, and a wide acquaintance with practical affairs, made him an attorney with few peers in the court room. His most marked characteristics were great energy, perseverance and loyalty to his friends.

Hyde Park, now a beautiful suburb of Cincinnati, may be said to owe its very existence to Mr. Burch. It was he who conceived the plan of developing the farms and dairies, which

occupied that locality about the year 1887, into the beautiful residential district it has since become.

Mr. Burch had a vision and imagination. Mr. Johnson, his law partner for twenty-three years, in speaking of him, said: "Mr. Burch was firm, determined and energetic almost to a fault. Like the onrushing force of a mighty flood, he seemed to sweep all opposition before him. Naturally he met opposition, naturally he stirred up turmoil and strife. The conservative, the backward, the moss-back does not wish to move, he does not wish to go forward; and so in the years of the strenuous efforts some animosities were engendered, some enemies made. Mr. Burch ignored all these. No action he ever took was personal. He did not bear malice. He was simply determined to accomplish results,—results which would inure to the benefit of the whole community. He had but one way of getting to a given point, the straight line. If in getting there the wheels of progress had to run over the halt, the lame, or those in the way, they ran, but he got there all the same. Stern, rugged, unyielding, and sometimes lacking in the diplomatic arts, I often said to and of him, in the language of another, that 'he had all the sturdy virtues which inspire respect, but none of the smaller diplomacies which conciliate hostility.' To one who knew Burch as a friend and business associate, in all the intimacies attendant on both relations, there was another side. He was generous to a fault, unflinching in his honesty and straightforwardness, tender-hearted as a child, and unselfish to a rare degree."

EVAN D. DAVIS

Evan D. Davis was born on his father's farm near Center Point, Gallia County, on July 2nd, 1866. His early education was in the country schools. At the age of eighteen he entered Rio Grande College, in Gallia County. He remained in college two years. While there he chose the practice of law as his life's work. He entered the Cincinnati Law School and graduated in two years with high honors. After his admission to

the Bar he entered upon the practice of law at Gallipolis, and attained a position of considerable prominence at the Gallia County Bar. In September, 1913, he moved to Columbus to form a partnership with T. J. Abernethy. This firm continued until his death which occurred March 8th, 1915. His death, after a short but exceedingly painful illness, was a surprise to his fellow-members of the Bar and a great shock to all who knew him. The immediate cause of his death was diabetes and attendant complications.

His wife and two daughters survive him.

Mr. Davis was active in church and fraternal circles. He was a member of the Episcopal Church, a Knight Templar, an Elk and a Modern Woodman.

Throughout his active life he was intensely interested in educational work. At the time of his death he was a trustee of Rio Grande College and President of the Board of Education of Gallipolis. That his worth in educational matters was recognized is evidenced by the fact that, after he had left Gallipolis and moved to Columbus, the Board of Education refused to accept his resignation as President. He made monthly trips to Gallipolis to attend the meetings of that body.

He was a man of unusual ability and unquestioned integrity, and was honored and respected by all who knew him.

WILLIAM LOWRY DICKSON

William Lowry Dickson, son of William Martin Dickson and Annie Marie Parker, was born at Cincinnati, Ohio, March 7th, 1857, and died very suddenly at his home in the same city, on Sunday evening, May 8, 1915.

His father was a great-grandson of the Reverend Jacob Dickson, for fifty-four years pastor of Mousewald Parish, Dumfries, Scotland, and in the late '50's served on the Common Pleas Bench of Hamilton County, by appointment of Gov. Salmon P. Chase.

William Lowry Dickson was educated in the public schools of Cincinnati, and prepared for college at the Chickering Insti-

tute. He entered Yale College in 1874 where he graduated in 1878. In that class were William H. Taft and many others who afterwards occupied distinguished and honorable positions. While at College he was awarded several prizes for excellence in English composition and oratory. Possessing a thorough knowledge of Latin and Greek, he taught those languages in schools while studying law in Cincinnati, and had as pupils many young men preparing for college, all of whom profited greatly by his instruction. For many years he conducted all the Yale examinations held in Cincinnati, and for a long time he held the Chair of Medical Jurisprudence in one of the colleges there.

On December 21, 1887, he was married to Minnie, daughter of George W. and Elizabeth Goodhue, of Cincinnati, Ohio, who survives him, as do also his brother, Parker Dickson, and his sister, Mrs. H. B. Buck, of Syracuse, N. Y.

Judge Dickson was admitted to the Bar in 1881 and formed a nominal partnership with his father under the name of Dickson & Dickson, the latter having at that time almost entirely retired from active practice. After the death of his father in 1889, he practiced alone and never afterwards had a partner. While practicing he was engaged in much important litigation and served most efficiently as legal representative of many large estates.

In 1908 he was elected Judge of the Common Pleas Court of Hamilton County, Ohio, and in November, 1914, was re-elected by a very large plurality, and in January last began his second term of six years.

Judge Dickson showed in his conduct and disposition many of the traits of his distinguished, rugged Scotch ancestry. Studious, industrious and quick in perception, he was clear and incisive in presentation and statement, although sometimes brusque and abrupt in manner and speech. These latter characteristics many times caused him to be misunderstood. To those, however, who knew him well, he was loving, affectionate and considerate, qualities sometimes concealed by him from the general public. Of high honor and sterling character, hon-

est in thought and purpose, he acted at all times according to the dictates of his own conscience, undismayed by the passing and undeserved criticism of those who judge and condemn too quickly.

As a Judge he was upright and fearless, administering justice with even hand without respect to persons or parties. Possessing the saving grace of humor, he did not take too seriously the duties of his high position, but was at all times courteous and kind, particularly to the younger members of the Bar, so that the trial of a suit before him was never an acrimonious contest, but always an intellectual pleasure. A master of terse and vigorous English, his judicial opinions were short, concise and to the point, and always luminous expositions of the law. He passed away in the full strength of his intellectual vigor and at the highest period of his usefulness.

The Bench and Bar and the public need such men as Judge William L. Dickson, and mourn his death,—to human understanding so untimely.

THOMAS J. GREEN

The death of Thomas J. Green occurred at 8:20 P. M. on February 8, 1915, at the family home in Shelby, following a lingering illness of nearly six months. The direct cause of his death was uræmic poisoning. Sunday afternoon he passed into unconsciousness and remained in that condition until death. Mr. Green suffered intensive pain at times, and his condition had been serious for several days. A shadow of gloom has been cast over the city by his death, which removed from our midst a noble citizen and friend.

Thomas J. Green was one of the best known men in Shelby and Richland County. Practically his entire life was spent here, he having been a practicing attorney as a member of the law firm of Skiles, Green & Skiles. Mr. Green was born in Shelby, March 4, 1870, and was 44 years, 11 months and 4 days old at the time of his death. His parents were Michael and Narcissa (Marvin). His father came to Ohio from Pennsylvania, and his mother was born and raised in Cass township.

When Mr. Green attained the proper age he entered the Shelby public schools and mastered the branches that constituted the curriculum until he was graduated from the high school in 1888. He afterwards attended Baldwin University at Berea, Ohio, entering for two consecutive years, while at a later time he also attended for part of a year. For four years he was a teacher in the public schools, but he regarded this as merely an initial step to other professional labor, as it was his ambition to become a member of the bar. He read law with Judge Edwin Mansfield and Attorney B. F. Long, and to further perfect himself in his chosen calling, entered the law department of Ohio State University in September, 1896. After studying there for a year he was admitted to the bar at the regular State examination in June, 1897, and in the September following he entered the law firm of Skiles & Skiles, with which he practiced until February 9, 1904. In January of that year one of the partners, W. W. Skiles, passed away, and a new firm was then formed, composed of G. M. Skiles, Thomas J. Green and R. C. Skiles, under the name of Skiles, Green & Skiles. Mr. Green was associated with the firm until the time of his death.

Mr. Green was a brilliant attorney, and took part in many cases. He was successful in his practice, and devoted his entire attention to law. His success as an attorney won for him distinction not only before the Richland county bar, but in higher courts. Of late years he had devoted his attention more to negligence cases, not only in Ohio, but in Indiana and New York.

Mr. Green was greatly interested in the welfare of the city. He was a stockholder and director in many of the large institutions of Shelby, being vice-president of the Ohio Seamless Tube Company, vice-president of the Shelby Printing Company, treasurer of the Shelby Telephone Company, director in the Citizens Bank, director in the Standard Manufacturing Company, director in the Speedway Remedy Company, and director in the Autocall Company, and president of the National Mausoleum Company. He was an enterprising citizen and his

career was one which will never be forgotten by the people of his home city. In his every day life Mr. Green always had a kind word for his fellow-men, and would go out of his way to assist some one who was in need of help.

On June 25, 1902, Mr. Green was united in marriage to Miss Blanche G. Skiles, daughter of Mr. and Mrs. George M. Skiles. To this union were born four children, Winifred, Robert, Frederick and Evelyn S., who, with the mother, are left to mourn the loss of a kind father and husband. He also leaves three sisters, Mrs. Edward Collins, of Defiance, Ohio; Mrs. Perry Boreman and Miss Eva Green of Shelby, and two brothers, William Green of Shelby, and James Green of Wauseon, Ohio.

While reading law Mr. Green was elected a justice of the peace, and served a term of two years. He also was elected mayor of Shelby for one term, and during his administration the first street paving and sewer system were put in. Mr. Green served as a member of the board of education for several years, and was a member of the board at the time of his death.

Mr. Green held membership in the Mansfield lodge of Elks, Masonic lodge, subordinate lodge and uniform ranks of the Knights of Pythias, and served on the staff of Brigadier General Minshall of Ohio, with the title of major. He also was a member of the Knights of Maccabees, the Colonial Club, the Shelby Business Men's Association, the Westbrook Country Club of Mansfield, Cleveland Athletic Club and Cleveland Automobile Club.

Mr. Green was held in the highest respect and esteem by all who were personally acquainted with him, and he will be greatly missed from our midst. His native strength of character, his ready adaptability and strong purpose, enabled him to rise superior to all difficulties and obstacles that he had encountered. He had gained distinction and success in legal circles, while as a citizen and neighbor there was none better.

NATHAN M. GUMBLE

Nathan M. Gumble was born in Columbus, February 12th, 1869, the son of Max and Miriam Gumble. His early education was in the public schools of Columbus.

He studied law in the office of Outhwaite, Linn, McNaughton & Gumble, of which firm his brother Henry was a member.

In 1891 he was admitted to the bar.

He soon went to Washington as the Private Secretary to Congressman Joseph H. Outhwaite, then a distinguished and leading member of Congress from Ohio, and was later Clerk of the Congressional Committee on Military Affairs.

He remained in Washington until 1896, when he returned to Columbus, and, with his brother Henry, established the firm of Gumble & Gumble. This firm continued to the time of his death, and had a large and valuable clientage.

He died very suddenly, November 10th, 1914, in Cincinnati, where he had gone for an operation.

His wife, who was Miss Stella Eichberg, of Cincinnati, and two daughters survive him.

As a lawyer, Mr. Gumble was admired by the Bench, by his fellow-members of the Bar, and by all who had dealings with him. By his marked ability and wide knowledge of the law, his tireless energy, his painstaking care and diligence in matters both great and small, his keenness of mind and quickness in perception, he raised himself to a position at the Bar where he commanded the profoundest respect of both Bench and Bar. He was at all times recognized by his brethren as a formidable, but courteous and honorable, adversary.

As a man, he had those qualities which endeared him to all who knew him and impressed all with whom he came in touch with his sterling worth. He was kindly, charitable, courteous, optimistic at all times, witty, entertaining and possessed a rare sense of humor.

In the death of Nathan Gumble the Bar of Ohio has suffered a distinct loss.

DAVID A. HEFFNER.

David A. Heffner was born in Union County, Pennsylvania, on May 20, 1849, and departed this life at Clyde, Ohio, on February 20, 1915. He was a resident of Sandusky County from childhood until his death, and had a wide circle of friends throughout that, and adjoining counties.

His education was obtained in the public schools, and at Hillsdale, Michigan, followed by a four years' course at Lebanon, Ohio, where he graduated. The degree of M. A. was afterward conferred on him by Baldwin University.

He pursued the study of law at Clyde, in the office of Col. J. H. Rhodes, and was admitted to the bar in April, 1879, and formed a partnership with S. S. Richards, now of the Court of Appeals, for the practice of the law. This partnership extended from the first day of June, 1879, over a period of more than twenty-five years, and until the elevation of Mr. Richards to the bench in 1905.

The firm of Richards & Heffner became widely known throughout northwestern Ohio, and enjoyed an extended and profitable practice. After the dissolution of the firm Mr. Heffner continued the practice of his chosen profession, his wide experience further ripened by close study and at the trial table.

One of the cases in which he took a just pride was that of Geiger, Executor, v. Bitzer, reported in 80 O. S., 65. The Supreme Court in Hutchings v. Davis, Executor, 68 O. S., 160, applied the doctrine of equitable conversion of realty into personalty, in determining the share a widow should receive from the estate of her deceased husband. Mr. Heffner was fully convinced that the principle thus announced was incorrect, and so he pressed on the Common Pleas Court and the Circuit Court, argument and authority in Geiger v. Bitzer, in a vain attempt to have the law declared to be what he contended it in fact was. Undaunted by adverse decisions in these courts, he carried the case to the Supreme Court, conceding that he could not win unless the Supreme Court should overrule the decision it had announced in Hutchings v. Davis. The printed brief prepared by

Mr. Heffner was a masterpiece of logic, proceeding step by step to a conclusion that the doctrine of equitable conversion could have no place in such an action. The Supreme Court adopted his view, overruling *Hutchings v. Davis, Executor*, 68 O. S., 160, and declaring in the course of the opinion, of the principle of equitable conversion, that "The doctrine is beautiful, but it has no application to this case."

Mr. Heffner's home life was ideal, and in public that life was an inspiration to many. In early life he united with the Methodist Episcopal Church, and ever remained a consistent and active member. It has been well said of him by one of his closest friends that "He was one of those who shaped the church policy and shared its heaviest burdens."

He served as member and president of the board of education for years. He has been for many years a member of the Masonic fraternity.

Mr. Heffner was first married on May 27, 1879, to Miss Isabel Haff. They had two children, one of whom, Miss Helen, survives. On October 16, 1893, the wife and mother died.

Mr. Heffner was married to Miss Ella B. Pickett on November 19, 1902, and she survives him as widow.

He continued in active practice until the very day of his death, having argued a case in the Supreme Court on Thursday, and passing to the great beyond on the following Saturday, after an illness lasting only a few hours, the cause of death being angina pectoris.

FRANK COE HUBBARD.

Frank Coe Hubbard entered on the larger life Saturday morning, December 26, 1914. He was born in Columbus, February 13, 1853, and at the time of his death was in the 62nd year of his age. He was the son of Hermon and Marianne Coe Hubbard and grandson of William B. Hubbard, one of the early and prominent citizens of Columbus. His early education was obtained at the Capital University, then located at the north-west corner of High and Goodale Streets; at a preparatory school at Racine, Wisconsin; and later taking a collegiate course

at Hobart College, Geneva, New York, graduating in the year 1873. The latter institutions were under the patronage of the Episcopal Church of which Mr. Hubbard was a devout member. After graduation he became a student at law and after finishing the prescribed course was admitted to the Franklin County Bar. For many years he was a partner in the law firm of De-Witt & Hubbard with offices in the Board of Trade Building. In his practice he was an excellent adviser and counsellor, and by his ability and integrity of character won the esteem of the members of the profession. He was one of the directors of the Columbus & Xenia Railroad Company for twenty-one years, and served as secretary and treasurer of this corporation for two years. His grandfather, William B. Hubbard, was active in the construction of this road, was its first president and was also for many years a director. In 1900 Mr. Hubbard became a trustee of The Greenlawn Cemetery Association and continued in this trusteeship until his death, a period of fifteen years. His grandfather, William B. Hubbard, was the first president of this association upon its organization in the year 1848. During the administration of Governor Nash, Mr. Hubbard was appointed Trustee of the Girls' Industrial Home at Delaware, Ohio, and was re-appointed by Governors Herrick and Harmon, and for some time was president of the Board of Trustees of the Home. To this work he gave a great deal of his time and his best energies and it is safe to say that this institution never received from any one more intelligent and efficient attention.

On December 3, 1888, Mr. Hubbard was elected a director of The Humane Society of the City of Columbus, and continued to serve in that capacity until December 8, 1902, at which time he was elected president of the Society. From the latter date until the date of his death Mr. Hubbard served continuously as the president of the Society, giving to it a large portion of his time and attention. Mr. Hubbard's efforts were not limited to the local Society, but he was interested in the national humanitarian movement and served as one of the vice-presidents of the national organization of anti-cruelty societies, The American Humane Association, for several years. He was one of the

prime movers in the organization of the State Federation of Humane Societies known as The Ohio Federation, and at its organization in Columbus, Ohio, on March 15, 1910, was honored by being elected the first president of the Federation, and at the end of the first year was further honored by re-election to that office. At the end of his second term as president of the Federation he declined, by reason of his many business cares and the condition of his health, to serve further as president, but the Federation refused to part with his valuable services, and enlarged its executive committee in order that Mr. Hubbard might become a member of that committee. He continued to serve as a member of such committee until the time of his death.

Mr. Hubbard, together with the late James M. Brown of Toledo, was instrumental in writing into the statutes of this State the law that provides for the payment toward the support of needy children the sum of fifty cents per day during the time the parent is confined in the workhouse or penitentiary on the charge of failure to provide for his children. Not only this law but also many other effective humanitarian laws that are now in force in this State owe their existence largely to the efforts of Mr. Hubbard. Probably no person in the State of Ohio has done more for the advancement of the Humane cause and for the thorough establishment of the Societies for the Prevention of Cruelty to Children and Animals than Mr. Hubbard. In the early days of the Columbus Humane Society he served as its first attorney, then as director and president of the Society, and for years his work in connection with the humanitarian cause was probably the most useful and important of his life. In all of his work in connection with this most worthy cause he showed rare tact and judgment, and under his advice and conduct the Society constantly grew in efficiency and usefulness and also in public favor. Any prejudice which in its early history may have existed against its work and purpose disappeared under his wise and prudent management, so that at the present time this work has the general approval and commendation of the public. He exemplified in his daily life the high ideal on which

the Society is founded, that of kindness to all living creatures and the protection of the same from cruelty.

Mr. Hubbard was fortunate in having the cordial co-operation and encouragement of Mrs. Hubbard in his humane and philanthropic work, and the condition of the helpless and unfortunate enlisted her deepest sympathy. In all the relations which he sustained to the community in which he lived, through the various organizations with which he was connected, he was a wise and considerate public servant and discharged his duty as a citizen in the fullest measure. He had a fine personality, sound judgment and genial disposition and was respected and loved by all within the large circle of his acquaintance. His life was a well-rounded and useful one and to an unusual degree was devoted to the welfare of humanity, and at its close he left the remembrance of innumerable good deeds, and to his fellow-man a legacy of good will.

JOHN LEDYARD LINCOLN

John Ledyard Lincoln, of the Cincinnati Bar, died on December 31st, 1914, after a brief illness, having just passed the fifty-fifth milestone in life's journey.

He was the son of Timothy D. Lincoln and Mary S. Lincoln. His father was one of the noted lawyers of this State, and his mother was a woman of much cultivation. He therefore inherited sterling qualities of head and heart.

He began his early education at St. Xavier College, Cincinnati, where he remained until he was graduated. He then entered the Georgetown University at Washington, D. C., and after completing the college course in 1881, he entered Harvard Law School where he remained three years, graduating in 1884. He then returned to Cincinnati and began the practice of the law with his father and Mr. Charles H. Stephens, as Lincoln, Stephens & Lincoln; and at his death he was a member of the firm of Stephens, Lincoln & Stephens.

In his younger days he spent some time in Europe, where he became proficient in the French and German languages, and

he could converse in each quite easily. In his faith, he was a sincere and devout Catholic, and a careful student of ecclesiastical law.

He was an able and well-equipped lawyer, faithful to every trust and duty imposed upon him. He was intrusted with many important cases; but he was as conscientious and painstaking in the smaller cases as in those involving larger amounts. He was a man of high ideals, broad in his sympathies and always ready to give assistance to a worthy cause. He was a kind and indulgent father and husband, and was held in the highest esteem by those who knew him best. He was at the zenith of his power at the time of his death; and the profession, in his passing, lost an able and worthy member and the State a useful and high-minded citizen.

A widow and two minor children survive him.

JOHN COOPER LOOMIS.

John Cooper Loomis died at Lakeside Hospital in Cleveland on the second day of May, 1914, at the age of forty-two years. He was born and reared at Tiffin, Ohio, and was a resident of that city at the time of his death. On his father's side he was descended from good old colonial stock, one of his great-grandfathers, John Loomis, having settled at Windsor, Connecticut in 1639. His father was the late John D. Loomis who, in his life-time, was the leading banker and manufacturer in the city of Tiffin, which distinction has since been achieved by his son George D. Loomis, the surviving brother of the subject of this sketch. On his mother's side Mr. Loomis was descended from the Hon. Cooper K. Watson, who, some forty years ago, was recognized as one of the leading lawyers of north-western Ohio, and who, in his later years, served with ability as one of the judges of the court of common pleas of the Fourth Judicial District of Ohio.

In his boyhood, Mr. Loomis attended the public schools of Tiffin. His collegiate education was obtained at Kenyon, College, Gambier, Ohio, and his legal course was taken at the

University at Michigan. In 1896 he was admitted to the bar of Ohio, after which he practiced law at Tiffin until the time of his death. Owing to the fact that he inherited considerable means from his father, he never sought the extensive practice desired by those whose necessities require it. The legal matters that he handled, however, were taken care of with considerable ability, indicating that, if his entire time and energy had been given to the law, he would have made a very successful lawyer. He had the intellectual capacity to accomplish it.

His attention, however, was directed more to investment and financial matters, and of these his knowledge was quite extensive, and his judgment good. In his dealings with his fellow-men he was fair, straight-forward and just. No one ever questioned his honesty or his sincerity, his integrity or his honor. His word was good; his promises were redeemed. With pretensions and shams he had no patience. He believed only in the real, the genuine and the true.

At the time of his death he was a member of the Episcopal Church of Tiffin, a member of the Seneca County Bar Association, and of this Association. Fitting resolutions of respect were passed by the Seneca County Bar at the time of his death; and, upon the order of the Court, they were duly spread upon the journal. The entire bar attended the funeral in a body, and took final leave of him with real regret. While he had not achieved what the world is pleased to call greatness, he was recognized as a good citizen, a faithful husband, a loyal friend and an honorable man. It is as to these qualities that he cared most to be remembered.

MYRON AUGUSTINE NORRIS

Myron Augustine Norris, Judge of the Court of Appeals of the Seventh District of Ohio, died June 20th, 1914, at his residence in Youngstown, Ohio.

Judge Norris was born in Ashtabula County, Ohio, September 24th, 1849. He was born of old New England stock, his ancestors being citizens of the State of New Hampshire. His

grandfather, Eliphalet Norris, served in the War of the Revolution to establish the independence of the United States. His father, Jarius Norris, moved from New Hampshire and settled in Ashtabula County in the Western Reserve in the State of Ohio. This is where Judge Norris was born. His father died when he was very young. He was educated in the common schools, and took a short course at Willoughby College in Lake County, Ohio. At the age of sixteen he began teaching school and taught school substantially all the time until he was admitted to the bar to practice law. In 1871 he was in the law office of W. P. Howland, of Ashtabula, and in September of 1872 was admitted to the bar and began practice in the village of Kent, Portage County. He continued in practice in this village until 1884 when he located in Youngstown, Ohio, and entered into a partnership with the late General T. W. Sanderson.

Judge Norris has been very prominent at the bar in Ohio, and was considered one of its ablest practitioners. Four years ago he was elected to the position of Circuit Judge, and served in the Court now known as the Court of Appeals. As a judge he was eminently successful and satisfactory, and stood second to none in Ohio. His decisions had great weight, especially among the lawyers of the State who were acquainted with the Judge, and his death is keenly felt and appreciated by the bar and bench in his district.

In politics he was a staunch Republican. Served as Presidential Elector in 1892, and in 1896 was the alternate from his congressional district, and assisted in the nomination of the late William McKinley for president.

He was married in 1876 in the village of Kent, to Mary E. Howden. His wife died nine years ago. He leaves two daughters, Katherine A. Norris and Martha E. Norris. Socially Judge Norris was popular, and in professional circles he stood high and was ever a welcome guest in any circle which he chose to join. The death of Judge Norris is deeply regretted in the community in which he lived and was known, and by the members of this Association.

HIRAM D. PECK

Hiram D. Peck, of Cincinnati, departed this life at his Mt. Auburn home on Wednesday morning, October 7, 1914, as the result of a stroke of paralysis.

In his death, Cincinnati lost one of its most distinguished citizens, the legal profession one of its illustrious members, and the Democratic party a wise, sagacious and fearless leader.

Judge Peck's life was full of unusual and distinguished service.

He was born near Cynthiana, Ky., March 23, 1844. His ancestors on his father's side were sturdy New Englanders. His grandfather, Hiram Peck, was one of the founders of Montpelier, Vt., and a colonel, commanding Vermont troops in the War of 1812. His mother came from a Virginia family that was descended from the prominent Broadwell family of New Jersey.

Judge Peck was young when prepared for college under the preceptorship of Rev. Cater Page, at the Academy of Cynthiana. He entered Miami University at Oxford, Ohio, and was graduated with honors in the classical course in 1862 at the age of eighteen years. He received his A. M. degree from his Alma Mater in 1886. While in college he had for his roommate Hon. Calvin S. Brice, later a United States senator from the State of Ohio.

During the War of the Rebellion Judge Peck enlisted for service in the 86 Regiment Ohio Volunteer Infantry; he was a member of Company "A" of that regiment. After his enlistment in the army had expired he returned to Cincinnati to engage in the study of law, he having determined early in life to be a lawyer. Later he attended Harvard Law School and was graduated in 1865. He began at once the practice of his profession in Cincinnati. He was peculiarly fitted for his chosen work, and his success was assured from the first.

From 1873 to 1875 he served the city as Assistant City Solicitor. In 1875 he was elected City Solicitor, and held that office for two years, after which time he returned to private practice, forming a partnership with Leonard Goss, which part-

nership continued until Judge Peck was elected to the Superior Court bench in 1881. He was re-elected judge of the Superior Court and served out his term, but declined a second re-election. After he left the bench he resumed the practice of the law with Frank H. Shaffer as his partner, under the firm name of Peck & Shaffer. That firm is now Peck, Shaffer & Peck, one of the strong law firms of Cincinnati.

Judge Peck was a director of the University of Cincinnati from 1878 to 1883. He was professor of law in the Cincinnati Law School from 1891 to 1897. In 1892 his Alma Mater conferred upon him the honorary degree of LL. D., and the same degree was received by him from the University of Cincinnati the same year.

Governor McKinley appointed Judge Peck trustee of the Ohio Soldiers' and Sailors' Home in 1894, and he was re-appointed in 1895. In 1894, without his knowledge, he was placed in nomination by the Democratic party to represent the First District of Ohio in Congress. In politics Judge Peck was a Democrat; he was one of the great counsellors of his party. He was progressive in his views on civic and sociological questions. In the recent Constitutional Convention he took an active and influential stand for the Initiative and Referendum, the Workmen's Compensation Act and judicial reform. In that convention he was chairman of the Judiciary Committee. The constitutional amendment relating to the reorganization and jurisdiction of the Court of Appeals was largely the result of his personal work.

Judge Peck found time during his busy life to write "Peck's Guide for Township Officers," and "Peck's Municipal Laws of Ohio," which are standard works on these subjects, the former running thirteen editions and the latter five editions. In 1912 Judge Peck wrote the chapter entitled "Bench and Bar" in Rev. Charles Frederick Goss' history of Cincinnati.

His was indeed a well-earned reputation as a student of his profession; he was also well informed on all general subjects; he possessed in addition considerable literary ability. He

was an inveterate reader of works on philosophy, art and science, and had a wonderfully retentive memory. His conversation was interesting and instructive. For many years he was an active member of the Cincinnati Literary Club, the records of which contain many valuable and interesting contributions from his pen. As a speaker he was forceful and eloquent.

Socially he was very popular; he numbered his friends almost as he numbered his acquaintances. He was a sympathetic friend, a real gentleman, gracious and kind. He was courteous, genial, and dignified; he was considerate and just to all. He was masterly in affairs, constantly giving his time and energies to some good work. He was lofty in principle. His knowledge of human affairs, together with his great learning in the law, made him unusually safe as a counsellor; he was a man of absolute integrity. He met the demands of high professional honor, and he measured up to the exalted standards of good citizenship.

On November 18, 1868, Judge Peck was united in marriage with Harriet E. Weld of Boston, Mass., a member of the wealthy and influential family of that name. Mrs. Peck died in January, 1914. Two sons and a daughter are left to mourn the loss of their distinguished father—John Weld Peck, a member of the law firm of Peck, Shaffer & Peck—Arthur Minot Peck, and Edith Weld Peck.

HINCHMAN S. PROPHET.

Hinchman S. Prophet, known to most of us as Colonel Prophet, was born in Evesham, Burlington County, New Jersey, January 26, 1836, of English parents. Later he moved with his parents to Cardington, Ohio, where he attended the public schools, and in 1857 he began the study of law, and in 1860 was admitted to the bar, and began practice in partnership with J. A. Beebe at Mt. Gilead. At the breaking out of the civil war Mr. Prophet enlisted in Co. C. 15 O. V. I. and served his full term. He then enlisted in Co. B. 43 O. V. I. as First Lieuten-

ant, and was later promoted to Captain. Upon his return from the service Mr. Prophet purchased the Union Register, Mt. Gilead, which he published until October, 1868, when he again entered the practice of law with his former partner, J. A. Beebe, whose daughter he had married the previous year. In 1869 the Democracy of Holmes, Wayne, Knox and Morrow Counties chose Mr. Prophet to represent them in the State Senate.

Mr. Prophet moved to Lima in 1872, and in 1878 formed a partnership with Robert C. Eastman, under the firm name of Prophet & Eastman. This partnership continued until the death of Mr. Prophet, which occurred October 9, 1914.

During his period of practice Mr. Prophet served as City Solicitor of Lima, Prosecuting Attorney of Allen County, and was twice elected Mayor of the City of Lima. He took a great interest in educational matters, and served on the Board of Education of the City of Lima for sixteen consecutive years. He also devoted much time to charity work, and for nine consecutive years next prior to his death was appointed by the Governor as representative from this state to the National Convention of Associated Charities. It may well be said that Colonel Prophet was a good lawyer and a splendid citizen, and in his death the Bar of Allen County has lost an honorable and highly respected member.

JOHN RINER SAYLER

John Riner Sayler died at the home of his nephew, Milton Sayler, at Sayler Park, Cincinnati, early Sunday morning, November 1, 1914. He was born near Lewisburg, Preble County, Ohio, January 10, 1841, and was therefore in his 74th year. His parents were from Virginia, his great-grandfather emigrating to that State from Switzerland in 1725. His mother's maiden name was Riner. Following the death of his father, his mother removed to Oxford, Ohio, for the purpose of educating her boys. There were three, Milton, the oldest, represented the First Cincinnati District in Congress for some years during the 70's. Nelson began life as a college professor, but studied law and later entered the practice. His death

occurred in 1907. John was the youngest, and last survivor. The three brothers practiced together in Cincinnati for many years under the firm name of Sayler & Sayler.

After graduating from Miami in 1860, Judge Sayler studied law in Cincinnati and was admitted to the Bar. Before entering upon the practice, he went abroad, and studied at Heidelberg for three years. Upon his return to this country with his degree, he followed the occupation of Clerk on a river steamboat until he had saved enough from his salary to pay off the debts contracted in securing his education. He then entered the firm with his brothers, and continued in the practice until his death, interrupted only by eight years' service on the Bench.

The Statutes of Ohio were first compiled by Salmon P. Chase in an edition of three volumes. Judge Curwen at a later date took up the work where Chase left it and brought it down to 1860. Then came Sayler's Statutes which brought the compilation down to 1873. Upon this work Judge Sayler spent much time. It was a careful compilation, admirably made and of great use to the bench and bar of the State. Judge Sayler was also author of "Sayler's American Form Book" which ran through several editions.

In September, 1890, Judge Sayler was appointed by Governor Campbell as Judge of the Superior Court of Cincinnati, to fill out the term of Judge Edwin F. Noyes, deceased. Two years later he was elected Judge of the Court of Common Pleas of Hamilton County, and served five years. At the close of his term he returned to the practice. He was the attorney of the late Asa Van Wormer and it is said that his wise counsel justly influenced Mr. Van Wormer to make the gift of the Van Wormer Library to the Cincinnati University.

In 1890, Judge Sayler was elected a Trustee of this Association to succeed T. D. Lincoln, deceased, and continued to act as Trustee until the date of his death. In 1897, he was appointed by the Superior Court as Trustee of The Cincinnati Southern Railway, and in 1904, on the death of E. A. Ferguson, Esq., he succeeded him as Chairman of the Board of Trus-

tees, a position which he held at the time of his death. Since 1896, Judge Sayler has been a Professor in the Cincinnati Law School, and, with one exception, was the oldest Professor in length of service.

The poet has written that "An honest man's the noblest work of God."

John Riner Sayler was such a man, mentally and morally. His tall, erect figure symbolized his undeviating, upright course throughout life. He thought and acted true. He did not regard the profession of the law as a means to an end, as the "science of doubtful causes," but as one whose divine mission was justice. Justice, not in the abstract, but in the concrete. He loved the law, and, so loving her, he gave to the law the best that was in him. As lawyer, judge and teacher he enriched the science of law, giving to its principles luminous exposition. He drew to himself, by his character and ability, the students whom he taught. They loved and honored him. By his life and works he earned the respect and esteem, not only of his fellow-lawyers, but of the entire community, and died "full of honor and years."

"May we keep his memory green."

J. FOSTER WILKIN

The following memorial on the life, character and public service of Honorable J. Foster Wilkin, late a member of the Supreme Court of Ohio, was prepared by a committee appointed December 11th, 1914, by the Supreme Court of Ohio and read in open session January 8th, 1915, by Honorable Judson Harmon, the Chairman of the Committee. It is so well prepared that it fittingly represents the sentiments of the Ohio State Bar Association.

J. Foster Wilkin died December 4, 1914, after a brief illness, while he was one of the Judges of the Supreme Court. The funeral services were held at the Presbyterian Church, New Philadelphia, December 7th. The presence and participation of all his associates in that tribunal, and the large at-

tendance of citizens, attested the high place he held in the general esteem, and the widespread grief awakened by his sudden and untimely death. And at the same time his memory was highly honored by special proceedings of the lawyers of Tuscarawas County, who knew him by the searching tests of long comradeship at the bar.

J. Foster Wilkin was born at Holiday's Cove, in what is now the State of West Virginia, February 26, 1853. His parents were Andrew J. and Maxima Wilkin. They afterwards removed to Newcomerstown, Ohio, where the son became a pupil of Rev. U. Jesse Knisely, a gifted and distinguished educator, with whom he made rapid progress in his studies. After passing through the schools of the village, he received a collegiate education at Washington and Jefferson College and at Wooster University. The foundation of his legal education was laid at the University of Michigan. After he came to the bar, and after his position in the community had been established, he felt the need of a more thorough education, and at that time left for the University of Virginia, and took a post-graduate course there.

Mr. Wilkin began the practice of law at New Philadelphia, Ohio, and soon became prominent in his profession. His success as a young lawyer led to his election and re-election to the office of Prosecuting Attorney, which he filled with credit and to the satisfaction of the people.

In June, 1876, he was united in marriage with Miss Virginia Smith, daughter of the Honorable G. B. Smith, of Newcomerstown. She had been his playmate in childhood. Their early and loyal affection was merely confirmed at the altar. Six boys and two girls were born to them, all of whom survive. Three of the sons are now following their father's footsteps in the profession of law, and their success was his joy and pride.

The married life of Judge Wilkin was happy and beautiful. Husband and wife shared faithfully the labors and responsibilities of rearing a large family, and brought unflinching fortitude and mutual support of all the duties of life.

Judge Wilkin's mother was a pious woman, and had early trained him in the ways of righteousness. As he grew up these impressions deepened. He early became a devoted member of the Presbyterian Church, and at the time of his death was, and had been for thirty years, one of its ruling elders.

Judge Wilkin practiced his profession for more than a third of a century in Tuscarawas County, and won an honorable rank in it. His mind had a keen and vigorous grasp, with breadth and largeness of view. He was not so much a student of cases as of principles. The law, to him, was a science to be practically applied for the promotion of right. His mind had a logical cast. He was a lover of justice, and could not consent to any interpretation of the law, which, in its practical operation, did not reach just conclusions. He liked to trace the law back to its sources, and had been a diligent student of Roman jurisprudence.

But the law did not wholly monopolize his attention; he was a student in several departments of knowledge; he was a lover of good literature, and was never alone among good books. They were an incentive and an inspiration to him. In later years he acquired the German language, and was fond of communing with the master spirits of its rich and varied literature.

Judge Wilkin was, by nature and instinct, a gentleman. In his intercourse with others he was uniformly kind, courteous and considerate. He was a loving and devoted husband, and a wise, though indulgent father. He succeeded in impressing on his children the value of education and usefulness in life.

He was also a lover of nature in all her forms and aspects. Nothing delighted him more, during the heated seasons of the year, than to get out into a cabin or tent in the forest, or by the stream, and spend his time in study or contemplation. This was not solitude to him;

“ 'Twas but to hold
Converse with Nature's charms,
And view her stores unrolled.”

The early life of Judge Wilkin was a struggle. With a growing family and no patrimony he pushed his way to success and eminence. He probably attained the height of his ambition in becoming a judge of the highest court of his State. His life is a tribute to the fruitfulness of our institutions and an inspiration to the young in showing how a man struggling with adversity can, by energy, industry and perseverance, directed by an upright character, overcome all obstacles.

Judge Wilkin was a man of pleasing presence and manners, and apparently of sound and vigorous physique. His sudden call to rest, in the midst of his useful labors, is one of the mysteries which we cannot fathom. But it is a comfort to his family and friends that the years of his life, cut short though they were, served to make for him and them, and for his community and the State, a career of varied usefulness. And who can say that it is not one of God's mercies to pass in the midst of one's activities, when the life, though already rich in accomplishment, seems to human eyes still uncompleted; to be spared the risk of consciousness, or the still worse unconsciousness, of failing powers; to live in the memory of all as an erect and vigorous figure, unmarred by disease, unwithered by age?

The results of his brief service on the supreme bench were pleasing to all his friends. He fitted easily and naturally into the place, exhibiting at once a mental grasp and knowledge of the law, with facility in applying it, worthy of a judge of long experience. His opinions, necessarily few on account of his limited term of service, appear in Volumes 87, 88 and 89, Ohio State Reports, and are clear and vigorous expositions of the law with which they deal.

JOHN W. WILLDIS

John W. Willdis was born at Nellwood, Illinois, on the 27th day of October, 1889. His early childhood was spent in Fostoria, Ohio, where he attended St. Wendelin's School, and the public schools, graduating from the latter in 1905. He

also attended the High School at Fostoria, graduating in 1908, in which year he moved to Cleveland, Ohio, and attended the evening sessions of The Cleveland Law School of Baldwin University, being employed during the day at railroad work. He graduated from the law school with the degree of LL. B. in June, 1912, and in the same month was admitted to the bar. He immediately engaged in the practice of law in Cleveland, being associated with Edward P. Strong, and this relation continued until September, 1914, when his health compelled him to give up his active practice. He was confined to his home from this time until his death, which occurred on the 12th day of May, 1915.

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- 11th District, John H. Smart, Cleveland.

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1910-1912 Gilbert H. Stewart, Jr.
1912- Charles M. Buss.

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Place and Date of Meetings of the Association

Cleveland.....	July 8 and 9, 1880
Columbus.....	December 28 and 29, 1880
Toledo.....	July 20 and 21, 1881
Cincinnati.....	December 27 and 28, 1882
Columbus.....	December 26 and 27, 1883
Columbus.....	December 30 and 31, 1884
Dayton.....	December 29 and 30, 1885
Springfield.....	December 28 and 29, 1886
Toledo.....	December 27 and 28, 1887
Put-in-Bay.....	July 11 and 12, 1888
Put-in-Bay.....	July 17 and 18, 1889
Put-in-Bay.....	July 16, 17 and 18, 1890
Put-in-Bay.....	July 14, 15 and 16, 1891
Put-in-Bay.....	July 13, 14 and 15, 1892
Put-in-Bay.....	July 19, 20 and 21, 1893
Put-in-Bay.....	July 18, 19 and 20, 1894
Put-in-Bay.....	July 17, 18 and 19, 1895
Put-in-Bay.....	July 15, 16 and 17, 1896
Put-in-Bay.....	July 20, 21, 22 and 23, 1897
Put-in-Bay.....	July 12, 13, 14 and 15, 1898
Put-in-Bay.....	July 11, 12, 13 and 14, 1899
Put-in-Bay.....	July 10, 11, 12 and 13, 1900
Put-in-Bay.....	July 9, 10, 11 and 12, 1901
Put-in-Bay.....	July 8, 9, 10 and 11, 1902
Put-in-Bay.....	July 8, 9 and 10, 1903
Put-in-Bay.....	July 6, 7 and 8, 1904
Put-in-Bay.....	July 11, 12, 13 and 14, 1905
Put-in-Bay.....	July 10, 11, 12 and 13, 1906
Put-in-Bay.....	July 9, 10, 11 and 12, 1907
Put-in-Bay.....	July 7, 8, 9 and 10, 1908
Put-in-Bay.....	July 6, 7 and 8, 1909
Cedar Point.....	July 6, 7 and 8, 1910
Cedar Point.....	July 11, 12 and 13, 1911
Cedar Point.....	July 9, 10 and 11, 1912
Cedar Point.....	July 8, 9 and 10, 1913
Cedar Point.....	July 7, 8 and 9, 1914
Cedar Point.....	July 6, 7 and 8, 1915

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Bailey, Oliver G., Blymyer Bldg.....	Cincinnati
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Baker, Newton D., Mayor of Cleveland.....	Cleveland

Baker, Rufus H., Smith & Baker Bldg.....	Toledo
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Baldwin, Frank A., Common Pleas Court.....	Bowling Green
Ballard, Edward M., Gwynne Bldg.....	Cincinnati
Banker, G. G.....	Findlay
Bannon, Arthur H., 1st National Bank Bldg.....	Portsmouth
Bannon, Henry, 1st National Bank Bldg.....	Portsmouth
Bannon, James W., 1st National Bank Bldg.....	Portsmouth
Bardwell, A. E., Leader Bldg.....	Cleveland
Bargar, B. L.....	Columbus
Barkdull, Howard L., % National Carbon Co.....	Cleveland
Barnes, Harry C., Union Trust Bldg.....	Cincinnati
Barnes, J. D., Amos Bldg.....	Sidney
Barnett, Warren E.....	Columbus
Barnum, William P., Jr., Common Pleas Court.....	Youngstown
Barton, Edward, B. & O. S. W. Ry.....	Cincinnati
Basler, Carl E., Union Trust Bldg.....	Cincinnati
Bassett, George A.....	Toledo
Bates, Albert H., Society for Savings.....	Cleveland
Bates, Earl C., Wyandotte Bldg.....	Columbus
Beam, Henry Greer, 919 Avery St.....	Parkersburg, W. Va.
Beard, E. M., Spitzer Bldg.....	Toledo
Beckerman, Henry A., Engineers Bldg.....	Cleveland
Beckett, H. A., Williamson Bldg.....	Cleveland
Beckley, W. J.....	Ravenna
Beckman, Vincent H., 1st National Bank Bldg.....	Cincinnati
Beckwith, George H., Produce Exchange.....	Toledo
Beery, Clyde F.....	Akron
Beinhart, Walter M., Provident Bank Bldg.....	Cincinnati
Bejcek, C. A., Society for Savings Bldg.....	Cleveland
Belford, Fordyce, Nicholas Bldg.....	Toledo
Bell, Charles S., 106 Lincoln Inn Court.....	Cincinnati
Bell, E. M., Society for Savings Bldg.....	Cleveland
Bell, James W.....	Cambridge
Bell, Samuel W., 519 N. Main St.....	Cincinnati
Bemis, Alton A., The Arcade.....	Cleveland
Bennett, Smith W.....	Columbus
Bentley, Charles S., Engineers Bldg.....	Cleveland
Bentley, H. O.....	Lima
Berman, Oscar A., 1st National Bank Bldg.....	Cincinnati
Bernsteen, A. E., Society for Savings.....	Cleveland
Bernstein, J. M., Williamson Bldg.....	Cleveland
Bettinger, Albert, Atlas Bank Bldg.....	Cincinnati
Bettman, Alfred.....	Cincinnati
Bettman, Gilbert.....	Cincinnati

Betts, John E., Ewing Bldg.....	Findlay
Bibbee, George E., New First National Bank Bldg.....	Columbus
Bibbee, Jeremiah B.....	Ironton
Bigger, John M.....	Steubenville
Biggs, Charles L., Engineers Bldg.....	Cleveland
Billingsley, N. B.	Lisbon
Bissell, Clarence R., Williamson Bldg.....	Cleveland
Black, Robert L., Blymyer Bldg.....	Cincinnati
Blake, Joseph M., Schaefer Block.....	Canton
Blakely, Elbert F., National Bank Bldg.....	Painesville
Blanchard, Charles E., Spahr Bldg.....	Columbus
Blandin, Edwin J., Williamson Bldg.....	Cleveland
Bloch, Joseph C., Williamson Bldg.....	Cleveland
Blue, Ralph, Society for Savings Bldg.....	Cleveland
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Bole, Ben P., Plain Dealer Bldg.....	Cleveland
Bolsinger, H. C., 1st National Bank Bldg.....	Cincinnati
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Boone, Glen A., Leader Bldg.....	Cleveland
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Bowdle, Stanley E.....	Cincinnati
Bowers, Henry.....	New Philadelphia
Bowman, D. W., Common Pleas Court.....	Greenville
Bowman, Frank McKnight, 1st National Bank Bldg.....	Cincinnati
Bowman, J. E.....	Springfield
Boyd, William H., Garfield Bldg.....	Cleveland
Boyle, W. C., Leader Bldg.....	Cleveland
Bracken, William C., Williamson Bldg.....	Cleveland
Bradley, Herbert E., Hayden-Clinton National Bank Bldg.....	Columbus
Brandon, Frank.....	Lebanon
Brock, Charles Edward, Illuminating Bldg.....	Cleveland
Brodrick, John M., Common Pleas Court.....	Marysville
Brooks, Charles T., Leader Bldg.....	Cleveland
Brooks, Elmer E., Society for Savings.....	Cleveland
Broomhall, A. F.....	Troy
Brophy, Stephen, Spitzer Bldg.....	Toledo
Brough, B. F., Common Pleas Court.....	Toledo
Brown, Alton F., Probate Court.....	Lebanon
Brown, Clarence, Ohio Bldg.....	Toledo
Brown, Ensign N., Wick Bldg.....	Youngstown
Brown, Orin Britt, City National Bank Bldg.....	Dayton
Bruce, Edward K., Masonic Temple.....	Cincinnati
Bruce, John E., Masonic Temple.....	Cincinnati
Brucker, Lewis	Mansfield
Brumback, Orville S., Spitzer Bldg.....	Toledo

Braml, Fred E., Society for Savings Bldg.....	Cleveland
Brunswick, Max E.....	Youngstown
Burgert, Samuel, Williamson Bldg.....	Cleveland
Burke, Vernon H., Williamson Bldg.....	Cleveland
Burket, Harlan F.....	Findlay
Burr, Karl E., New First National Bank Bldg.....	Columbus
Burrows, Jerome B.....	Painesville
Burton, Theodore E.....	Cleveland
Buss, Charles M., Marshall Bldg.....	Cleveland
Butler, James M., Capitol Trust Bldg.....	Columbus
Bye, Hiram G.....	Youngstown
Cable, Davis J., Masonic Bldg.....	Lima
Cable, John L., Masonic Bldg.....	Lima
Cadwalader, Pierce J., Johnston Bldg.....	Cincinnati
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Caldwell, John A., Common Pleas Court.....	Cincinnati
Caldwell, Ralph B., 1st National Bank Bldg.....	Cincinnati
Calfee, Robert M., Williamson Bldg.....	Cleveland
Calhoun, A. C.....	Lorain
Calvin, Anthony B., Criminal Court.....	Youngstown
Canfield, L. R., Marshall Bldg.....	Cleveland
Cannon, Austin V., Williamson Bldg.....	Cleveland
Capelle, Louis H., Union Trust Bldg.....	Cincinnati
Carew, George J., K. of C. Bldg.....	Youngstown
Carlisle, John F., Court House.....	Columbus
Carman, W. C.....	Youngstown
Carpenter, A. G., Court of Appeals.....	Cleveland
Carpenter, Frank B., Hickox Bldg.....	Cleveland
Carroll, R. deV., Union Central Bank Bldg.....	Cincinnati
Cash, Denis F., 1st National Bank Bldg.....	Cincinnati
Cassatt, Alfred C., 1st National Bank Bldg.....	Cincinnati
Cassidy, John B., Probate Court.....	Bellefontaine
Chandler, Frank M., Williamson Bldg.....	Cleveland
Chapman, Carlos A., Society for Savings.....	Cleveland
Chapman, C. F., Jr., Ohio Bldg.....	Toledo
Chapman, E. C., Illuminating Bldg.....	Cleveland
Church, Samuel S., Mitchell Bldg.....	Cincinnati
Cist, Charles M., 1st National Bank Bldg.....	Cincinnati
Clark, George H., 218 Market Ave. N.....	Canton
Clark, Harold T., Leader Bldg.....	Cleveland
Clark, William T., American Trust Bldg.....	Cleveland
Clevenger, A. E., Marshall Bldg.....	Cleveland
Clevenger, F. M.....	Wilmington
Clippinger, W. W., Atlas Bank Bldg.....	Cincinnati
Cium, Alfred, Leader Bldg.....	Cleveland

Cobb, Frank M., Illuminating Bldg.....	Cleveland
Cochran, W. C., 245 Gilman St.....	Cincinnati
Cockley, William B., College of Law, O. S. U.....	Columbus
Coffin, William M., Traction Bldg.....	Cincinnati
Cohen, Alfred W., 3rd & Walnut Sts.....	Cincinnati
Cohen, Ralph B	Steubenville
Cole, John M.....	Springfield
Colston, Edward, St. Paul Bldg.....	Cincinnati
Conn, H. L.....	Van Wert
Connell, T. F., Nicholas Bldg.....	Toledo
Connolly, Paul V.....	Cincinnati
Conroy, Jos. W., Union Trust Bldg.....	Cincinnati
Cook, E. S., Williamson Bldg.....	Cleveland
Copeland, Mark A., Williamson Bldg.....	Cleveland
Coppock, Charles T., Traction Bldg.....	Cincinnati
Cordray, A. T., Central Bank Bldg.....	London
Corlett, Louis A., Rockefeller Bldg.....	Cleveland
Corn, Edward E., Common Pleas Court.....	Ironton
Cosgrave, Otway J., Common Pleas Court.....	Cincinnati
Coss, John H.	Mansfield
Counts, A. F., American Trust Bldg.....	Cleveland
Couse, Howard A., Leader Bldg.....	Cleveland
Cowell, John W., 1st National Bank Bldg.....	Cincinnati
Craig, G. Ray, Citizens Bank Bldg.....	Norwalk
Cramer, Nelson B., 514 Main St.....	Cincinnati
Crampton, Paul S., Engineers Bldg.....	Cleveland
Crane, George E.....	Kenton
Crawford, H. J., Leader Bldg.....	Cleveland
Crosley, Powell, Johnston Bldg.....	Cincinnati
Cross, Cleaveland R., Cuyahoga Bldg.....	Cleveland
Crouch, John B.....	Toledo
Crum, Ira H., Hayden-Clinton Bank Bldg.....	Columbus
Crum, Phelps, Rockefeller Bldg.....	Cleveland
Cull, Daniel B., Municipal Court	Cleveland
Cummings, Glenn M., Cleveland Trust Co.....	Cleveland
Cupp, D. M., Prosecuting Attorney.....	Delaware
Curren, Robert G., Leader Bldg.....	Cleveland
Curts, Jay W., Union Bank Bldg.....	Cincinnati
Cushing, William E., Society for Savings.....	Cleveland
Dale, Ben B., 414 Walnut St.....	Cincinnati
Darby, Thomas H., Union Trust Bldg.....	Cincinnati
Darlington, Charles L.....	Xenia
Daugherty, Harry M., Wyandotte Bldg.....	Columbus
Davis, O. E.	Columbus
Day, David B., Schaefer Block.....	Canton

Day, James H.....	Celina
Day, Luther, Cuyahoga Bldg.....	Cleveland
Day, R. H., Common Pleas Court	Massillon
Deasy, John A., 1st National Bank Bldg.....	Cincinnati
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DeCamp, B. K.....	Youngstown
DeCamp, Walter A., Traction Bldg.....	Cincinnati
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De Ford, U. C., Mahoning National Bank Bldg.....	Youngstown
De Kaiser, Jacob, Williamson Bldg.....	Cleveland
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Dempsey, John P., Garfield Bldg.....	Cleveland
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Dersham, H. F.....	Greenville
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Diehm, Ellis R., Leader Bldg.....	Cleveland
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Dille, Charles W., The Arcade.....	Cleveland
Dillon, Edmond B., Common Pleas Court.....	Columbus
Dinsmore, Frank F., Atlas Bank Bldg.....	Cincinnati
Dissette, Edward W., American Trust Bldg.....	Cleveland
Dissette, George C., Illuminating Bldg.....	Cleveland
Dixon, Edward J., Bell Block.....	Cincinnati
Dolle, Charles F., Wiggins Block.....	Cincinnati
Dolle, Louis J., Mercantile Library Bldg.....	Cincinnati
Donovan, D. D.....	Napoleon
Doolittle, H. J., Williamson Bldg.....	Cleveland
Doster, Eli E., Cuyahoga Bldg.....	Cleveland
Downing, F. H.....	Lima
Doyle, Dayton A., Common Pleas Court.....	Akron
Duffey, Warren J., Gardner Bldg.....	Toledo
Duncan, B. M., Leader Bldg.....	Cleveland
Duncan, C. H., Prosecuting Attorney.....	Urbana
Duncan, William F., Common Pleas Court.....	Findlay
Duncan, W. M., Leader Bldg.....	Cleveland

Dunlap, Anthony B., St. Paul Bldg.....	Cincinnati
Dunlap, Thomas S., Illuminating Bldg.....	Cleveland
Dunlavy, D. F.....	Ashtabula
Durand, C. Homer, 1st National Bank Bldg.....	Cincinnati
Dushkind, Herman A., Leader Bldg.....	Cleveland
Dustin, Alton C., Western Reserve Bldg.....	Cleveland
Dustin, C. W.....	Dayton
Dwyer, Dennis	Dayton
Eagleson, Freeman T., Central Savings & Trust Bldg.....	Akron
Eastman, E. R.....	Ottawa
Eckert, John O., 1st National Bank Bldg.....	Cincinnati
Edgert, Sol., Williamson Bldg.....	Cleveland
Edwards, Ralph W., Williamson Bldg.....	Cleveland
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Fay, Jesse B., Society for Savings.....	Cleveland
Feazel, E. A., Court House	Cleveland
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Fogg, Joe G., Williamson Bldg.....	Cleveland
Fogle, J. A., Williamson Bldg.....	Cleveland
Follett, A. D., St. Clair Bldg.....	Marietta
Follett, Edward B., Common Pleas Court	Marietta
Foote, E. A., Williamson Bldg.....	Cleveland
Ford, Carl B., Williamson Bldg.....	Cleveland
Ford, John Willard, Wick Bldg.....	Youngstown
Foster, I. M., Lawrence Bldg.....	Athens
Fraser, Harold W.	Toledo
Frazier, A. A., Common Pleas Court.....	Zanesville
Fredriks, G. J., 2nd National Bank Bldg.....	Cincinnati
Freericks, Frank H., Mercantile Library Bldg.....	Cincinnati
Freiberg, A. J., Union Trust Bldg.....	Cincinnati
Friebolin, C. D., American Trust Bldg.....	Cleveland
Friedman, Charles K.....	Toledo
Friedman, Samuel	Akron
Fulford, Alfred T., 1st National Bank Bldg.....	Cincinnati
Fuller, Rathbun, 2nd National Bank Bldg.....	Toledo
Fulton, T. B., Common Pleas Court	Newark
Gahn, Harry C., Williamson Bldg.....	Cleveland
Gallaher, J. A., 1st National Bank Bldg.....	Marietta
Galvin, John, 1st National Bank Bldg.....	Cincinnati
Garfield, James R., Garfield Bldg.....	Cleveland
Garfield, John M., Williamson Bldg.....	Cleveland
Garrard, Jephtha, Wiggins Block.....	Cincinnati
Garrett, George L.....	Hillsboro
Garry, T. H., Rockefeller, Bldg.....	Cleveland
Gaskill, D. L.	Greenville
Gatch, Lewis N., Union Central Bldg.....	Cincinnati
Gates, Clement L., Marshall Bldg.....	Cleveland
Geddes, F. L., Ohio Bldg.....	Toledo
Geer, Frank H., Nicholas Bldg.....	Toledo
Geer, William J.....	Galion
Geiger, Frank W., Common Pleas Court.....	Springfield
Geoghegan, William A., Common Pleas Court	Cincinnati
George, L. L.	Youngstown
Gholson, Edwin	Cincinnati
Gibson, W. T., Dollar Savings & Trust Bldg.....	Youngstown

Gifford, W. H.	Mansfield
Gilbert, Lucien L., 919 Union Station.....	Pittsburg, Pa.
Gilbert, William H., Masonic Temple.....	Troy
Gilgen, Charles W., Mahoning National Bank Bldg.....	Youngstown
Gillmer, T. I., 49 East Market St.....	Warren
Gilmore, Clement R., Conover Bldg.....	Dayton
Glitsch, George L., Century Bldg.....	Lorain
Godfrey, W. R., American Trust Bldg.....	Cleveland
Goeke, J. H., Member of Congress	Wapakoneta
Goff, Frederick H., Cleveland Trust Co.....	Cleveland
Goldsmith, A. W., St. Paul Bldg.....	Cincinnati
Goldsmith, A. W., Jr., St. Paul Bldg.....	Cincinnati
Goldsmith, Geoffrey, 4th National Bank Bldg.....	Cincinnati
Gordon, William, Society for Savings.....	Cleveland
Gott, F. B., Common Pleas Court.....	Cleveland
Gottschall, Oscar M., Beckel Block.....	Dayton
Gowdy, Robert L.	Xenia
Graven, D. Homer, Common Pleas Court.....	Ashland
Green, David E., Society for Savings.....	Cleveland
Green, Frederick W., Engineers Bldg.....	Cleveland
Gregory, Thomas M., Wiggins Block.....	Cincinnati
Grindle, Harvey D.....	Lima
Griswold, James H., American Trust Bldg.....	Cleveland
Grohs, I., Society for Savings.....	Cleveland
Groom, Charles A., 1st National Bank Bldg.....	Cincinnati
Groot, George A., Arcade	Cleveland
Gross, Miss Emma E., Engineers Bldg.....	Cleveland
Grossman, Miss Mary B., Engineers Bldg.....	Cleveland
Grosvenor, Charles H.....	Athens
Gruber, D. M., National Exchange Bank Bldg.....	Steubenville
Guerin, W. E., Jr., Leader Bldg.....	Cleveland
Gumble, Henry	Columbus
Guthery, B. J., Citizens Bldg.....	Cleveland
Guthery, E. G., Citizens Bldg.....	Cleveland
Hadden, Alexander, Probate Court	Cleveland
Hagan, F. M.	Springfield
Hagenbuch, George E., Leader Bldg.....	Cleveland
Hahn, Aaron, Engineers Bldg.....	Cleveland
Hahn, Edgar A., Engineers Bldg.....	Cleveland
Hahn, George P., Nicholas Bldg.....	Toledo
Hainen, Frank E., Society for Savings.....	Cleveland
Hale, John C.	Cleveland
Halfhill, James W., 21 Public Square	Lima
Hall, Edward M., Jr., Engineers Bldg.....	Cleveland
Hamilton, J. K., Ohio Bldg.	Toledo

Hamilton, T. R., Opera House Block.....	Lima
Hammel, Samuel B., 1st National Bank Bldg.....	Cincinnati
Hammar, Harry E.....	Painesville
Hammond, G. F.....	Youngstown
Hankison, Otto L., Ohio Bldg.....	Toledo
Hanna, W. S., Common Pleas Court	Millersburg
Hargitt, Robert P., Bell Block.....	Cincinnati
Harlan, Walter S., Common Pleas Court	Hamilton
Harmon, Judson	Cincinnati
Harper, J. C., United Bank Bldg.....	Cincinnati
Harrington, John T., Mahoning National Bank Bldg.....	Youngstown
Harrington, N. R.....	Bowling Green
Harris, George B., Engineers Bldg.....	Cleveland
Harris, William H., Nicholas Bldg.....	Toledo
Harrison, Dwight, Hayden Bldg.....	Columbus
Harrison, O. E., New Hayden Bldg.....	Columbus
Hart, Wm. J., Engineers Bldg.....	Cleveland
Hart, William L.....	Alliance
Harter, Henry W.....	Canton
Hartley, M. J., Allen Bldg.....	Xenia
Hasselman, W. H., Williamson Bldg.....	Cleveland
Hathaway, B. E., Citizens Bldg.....	Cleveland
Hay, Frederick L.....	Defiance
Hayes, Birchard A., 2nd National Bank Bldg.....	Toledo
Headley, Sanford A., 514 Main St.....	Cincinnati
Healea, Thompson D.....	Steubenville
Heidingsfeld, Ben L., Union Trust Bldg.....	Cincinnati
Heintz, Victor, 4th National Bank Bldg.....	Cincinnati
Henderson, D. C., The Holland	Lima
Henderson, J. M., Garfield Bldg.....	Cleveland
Henderson, W. O., New 1st National Bank Bldg.....	Columbus
Hengst, James M., Harrison Bldg.....	Columbus
Henney, John L. W., Assistant Supreme Court Reporter.....	Columbus
Henry, Frederick A., Citizens Bldg.....	Cleveland
Herbsleb, A. F., 1st National Bank Bldg.....	Cincinnati
Hermann, John C., Provident Bank Bldg.....	Cincinnati
Herrick, Frank R., Society for Savings.....	Cleveland
Herrlinger, A. L., Bell Block	Cincinnati
Hershhey, H. H., 115 East Rich St.....	Columbus
Hickenlooper, Smith, 4th National Bank Bldg.....	Cincinnati
Higley, Frank, Society for Savings Bldg.....	Cleveland
Hilliard, J. V., Trust Bldg.....	Newark
Hine, Charles P., Engineers Bldg.....	Cleveland
Hines, Clark B.....	Bellville
Hinkle, Frederick W., Union Trust Bldg.....	Cincinnati

Hoadly, George, 111 East 4th St.....	Cincinnati
Hoffheimer, Harry M., 1st National Bank Bldg.....	Cincinnati
Hoffman, Charles W., 2nd National Bank Bldg.....	Cincinnati
Hoge, Hamilton E.....	Kenton
Hogg, John H., Williamson Bldg.....	Cleveland
Hogsett, T. H., Williamson Bldg.....	Cleveland
Holbrook, Ralph S., St. Clair Bldg.....	Toledo
Hole, Frederick L., Engineers Bldg.....	Cleveland
Hole, Warren W., Engineers Bldg.....	Cleveland
Holliday, W. T., Marshall Bldg.....	Cleveland
Hollingsworth, D. A.....	Cadiz
Holloway, A. C.....	Akron
Holmes, John R., 4th National Bank Bldg.....	Cincinnati
Holmes, J. T., Brunson Bldg.....	Columbus
Hoopes, Clarence A.....	Marysville
Hopkins, Evan H., Society for Savings.....	Cleveland
Hopkins, W. R., Society for Savings.....	Cleveland
Hopple, E. J., Williamson Bldg.....	Cleveland
Horner, Joseph W., Prosecuting Attorney.....	Newark
Horstman, Theodore, F., Mercantile Library Bldg.....	Cincinnati
Horwitz, Samuel, Williamson Bldg.....	Cleveland
Hosea, Lewis M., Gwynne Bldg.....	Cincinnati
Hostetler, H. H., Wentz-Hardesty Bldg.....	Canal Dover
Houck, Edwin S.....	Springfield
Houck, Lewis B., Rogers Block.....	Mt. Vernon
Howland, Paul, Engineers Bldg.....	Cleveland
Hoyt, James H., Western Reserve Bldg.....	Cleveland
Hudson, Thomas F., Gotwald Bldg.....	Springfield
Huggins, Burch D.....	Columbus
Huggins, E. N.....	Columbus
Hunt, Charles B.....	Coshocton
Hunt, Charles J., 4th National Bank Bldg.....	Cincinnati
Hunt, Henry T., 1st National Bank Bldg.....	Cincinnati
Hunt, James G.....	Fremont
Hurin, Silas E.....	Findlay
Hurley, F. Eugene.....	Findlay
Hurtig, Milton, Mitchell Bldg.....	Cincinnati
Hurtig, Simeon H., 2nd National Bank Bldg.....	Cincinnati
Huston, John A.....	Steubenville
Hyde, Charles A., Engineers Bldg.....	Cleveland
Iddings, Daniel W., Court House.....	Dayton
Ingersoll, Alvan F., Blackstone Bldg.....	Cleveland
Ingersoll, H. W.....	Elyria
Ireton, Louis A., Union Trust Bldg.....	Cincinnati
Irvine, E. C., Spahr Bldg.....	Columbus

Jacobs, Carl M., Jr., 1st National Bank Bldg.....	Cincinnati
Jackson, Charles J.	Youngstown
James, Benjamin F., 1st National Bank Bldg.....	Bowling Green
James, Francis B., 1st National Bank Bldg.....	Cincinnati
Jelke, Ferdinand, Jr., Union Trust Bldg.....	Cincinnati
Jenkins, David G.....	Youngstown
Jenks, Benjamin L., Marshall Bldg.....	Cleveland
Jerome, F. J., L. S. & M. S. Ry. Co.	Cleveland
Johnson, A. B.	Kenton
Johnson, A. B.	Ironton
Johnson, Clyde P., 4th National Bank Bldg.....	Cincinnati
Johnson, Edgar M., Union Trust Bldg.....	Cincinnati
Johnson, H. C.	Elyria
Johnson, Homer H., American Trust Bldg.....	Cleveland
Johnson, J. L.	Columbus
Johnson, J. Wm., 4th National Bank Bldg.....	Cincinnati
Johnson, Simeon M., Wiggins Block.....	Cincinnati
Johnson, Thomas L., Williamson Bldg.....	Cleveland
Johnston, Floyd A.....	Springfield
Johnston, Hollis C.....	Gallipolis
Johnston, J. B.	Youngstown
Jones, Asa W., Bondhurst Farm.....	Burg Hill
Jones, Dan C.	Ironton
Jones, Datus R.	Bowling Green
Jones, David W., Common Pleas Court.....	Marietta
Jones, Edward H., Court of Appeals.....	Hamilton
Jones, Oliver B., Court of Appeals.....	Cincinnati
Jones, Orville K., Johnston Bldg.....	Cincinnati
Jones, Thomas S., National Exchange Bank Bldg.....	Steubenville
Jones, William Harvey, Chamber of Commerce Bldg.....	Columbus
Judkins, C. H., Garfield Bldg.....	Cleveland
Kangesser, H. A., Williamson Bldg.....	Cleveland
Kassulker, Paul G., Leader Bldg.....	Cleveland
Kastriner, M. W., Society for Savings.....	Cleveland
Katzenberger, Geo. A., 521 Broadway.....	Greenville
Keating, Charles H., 74 Sturges Ave.....	Mansfield
Keating, Thomas J., 8 East Broad St.....	Columbus
Keeler, Harvey R., Williamson Bldg.....	Cleveland
Keiffer, William W., P. O. Box 635.....	Springfield
Keller, D. C., Bell Block.....	Cincinnati
Kennealy, W. J.....	Youngstown
Kennedy, Dudley B.	Youngstown
Kennedy, Isaac G., Computing Scale Co.....	Dayton
Keough, William C., Society for Savings.....	Cleveland
Kerr, Frank H.....	Steubenville

Kibler, Edward	Newark
King, Edmund B.	Sandusky
King, Harry E., Ohio Bldg.....	Toledo
Kinkead, Ellis G., Traction Bldg.....	Cincinnati
Kirk, William B., 21 Public Square.....	Lima
Kirkpatrick, Donald	Springfield
Kiskadden, Alexander, 107½ Washington St.....	Tiffin
Kistner, John R., Leader Bldg.....	Cleveland
Klein, David, Society for Savings	Cleveland
Klein, Harry T., Union Trust Bldg.....	Cincinnati
Klein, Joseph J., Engineers Bldg.....	Cleveland
Klein, Saul S., Commercial Tribune Bldg.....	Cincinnati
Klein, Wm. J., Provident Bank Bldg.....	Cincinnati
Kline, Virgil P., Marshall Bldg.....	Cleveland
Klinger, William, Court of Common Pleas.....	Lima
Klotz, Solon T., Nicholas Block.....	Toledo
Knapp, Howard H., Engineers Bldg.....	Cleveland
Knepper, Russell M.....	Tiffin
Knight, Paul S., American Trust Bldg.....	Cleveland
Knight, Wallace I., Williamson Bldg.....	Cleveland
Knight, Walter A., Gwynne Bldg.....	Cincinnati
Koblitz, Milton S., The Arcade.....	Cleveland
Kohl, J. Louis, 1st National Bank Bldg.....	Cincinnati
Kohn, Harry, New 1st National Bank Bldg.....	Columbus
Kolinsky, Abraham, Society for Savings.....	Cleveland
Koonce, Charles, Jr.....	Youngstown
Kramer, Adam A., Union Trust Bldg.....	Cincinnati
Kramer, Louis, Union Trust Bldg.....	Cincinnati
Kramer, Samuel E., Municipal Court	Cleveland
Krapp, Frank M.....	Springfield
Kraus, Le Roy A., Williamson Bldg.....	Cleveland
Krichbaum, Charles, Probate Court	Canton
Krickenberg, Oscar, 112½ W. 4th St.....	Greenville
Krueger, Everette H., Rockefeller Bldg.....	Cleveland
Krumm, Charles S. M.....	Columbus
Kuhn, Oscar W., Union Trust Bldg.....	Cincinnati
Kunkle, Albert H., Court of Appeals	Springfield
Kunkle, Frank H., Bell Block.....	Cincinnati
Kyes, Lafayette M.	East Palestine
Landfear, Lucius R., Rockefeller Bldg.....	Cleveland
Lane, Joseph W., Nicholas Bldg.....	Toledo
Laubie, Peter A., 3404—17th St. N. W.....	Washington, D. C.
Lawrence, Albert, Society for Savings.....	Cleveland
Lawrence, Albert Lynn, Williamson Bldg.....	Cleveland
Lawrence, L. N., Engineers Bldg.....	Cleveland

Laylin, Clarence D., Attorney General's office.....	Columbus
Laylin, L. C., 8 East Broad Street	Columbus
Laylin, Lewis F., New First National Bank Bldg.....	Columbus
Layton, Roy E., Fisher-Hauns Block.....	Wapakoneta
Leasure, James P.	Ottawa
Lee, Richard H., American Trust Bldg.....	Cleveland
Leeper, Edward W., Engineers Bldg.....	Cleveland
Levinson, Ralph	Steubenville
Levy, David M., 4th National Bank Bldg.....	Cincinnati
Levy, Lipman, 4th National Bank Bldg.....	Cincinnati
Lewenthal, A., Williamson Bldg.....	Cleveland
Lewis, Addison C.....	Steubenville
Lewis, Charles T., Nicholas Bldg.....	Toledo
Lieghley, P. L. A., Common Pleas Court.....	Cleveland
Lindsay, E. E.	New Comerstown
Link, A. C.	Springfield
Littleford, William, 1st National Bank Bldg.....	Cincinnati
Litzler, L. I., Society for Savings	Cleveland
Locher, Cyrus, County Prosecutor.....	Cleveland
Loeser, Irwin N., Engineers Bldg.....	Cleveland
Loeser, Nathan, Engineers Bldg.....	Cleveland
Logan, Richard D., Ohio Bldg.....	Toledo
Logue, J. C., Williamson Bldg.....	Cleveland
Long, B. Frank.....	Shelby
Long, Bert H., Hulbert Block.....	Cincinnati
Long, Forrest G.....	Bellefontaine
Loomis, H. R., Prosecuting Attorney.....	Ravenna
Longworth, Nicholas, 1st National Bank Bldg.....	Cincinnati
Lowry, L. H. E., Dollar Savings & Trust Bldg.....	Youngstown
Lowry, R. E., Stotter Bldg.....	Eaton
Ludwig, Lucien Earl	Lima
Lustig, Henry H., Williamson Bldg.....	Cleveland
Lynch, Charles J., Common Pleas Court.....	St. Clairsville
Mack, Alfred, Mitchell Bldg.....	Cincinnati
Mackenzie, Ralph P., Holmes Bldg.....	Lima
Maher, John F.....	Greenville
Mahon, W. J., Society for Savings	Cleveland
Mahon, Paul Thomas	Kenton
Mahoney, William J.....	Ironton
Manchester, Leroy A., Wick Bldg.....	Youngstown
Mansfield, Edwin, Common Pleas Court.....	Mansfield
Mardorf, W. C., Provident Bank Bldg.....	Cincinnati
Marriott, Frank M.....	Delaware
Marshall, Charles C.....	Sidney
Martin, Edgar G.....	Norwalk

Martin, Paul C., Bushnell Bldg.....	Springfield
Martin, William K.....	Lancaster
Marty, George B., Leader Bldg.....	Cleveland
Marvin, Francis R., Williamson Bldg.....	Cleveland
Marvin, Ulysses L., Williamson Bldg.....	Cleveland
Massie, David Meade	Chillicothe
Masters, Charles H.	Toledo
Mather, Nation O., Central Savings & Trust Bldg.....	Akron
Mathers, Hugh T., Common Pleas Court	Sidney
Matthews, C. B., Union Trust Bldg.....	Cincinnati
Matthews, Edwin P., Callahan Bank Bldg.....	Dayton
Matthews, Mortimer, Blymyer Bldg.....	Cincinnati
Maurer, W. F., Leader Bldg.....	Cleveland
Mauser, Grant E.....	Marion
Maxwell, J. Sharp, Society for Savings.....	Cleveland
Maxwell, Lawrence	Cincinnati
May, Max B., Common Pleas Court.....	Cincinnati
Meals, Walter D., Court of Appeals.....	Cleveland
Meck, David Channing.....	Cleveland
Melhorn, Donald Franklin, Prosecuting Attorney.....	Kenton
Megerth, C. R., Guardian Bldg.....	Cleveland
Mendelson, Albert, Society for Savings.....	Cleveland
Merrell, William S	Coshocton
Merrick, W. C., Western Reserve Bldg.....	Cleveland
Merrill, Chester W., Wiggins Block	Cincinnati
Merryman, Roy N., City Law Department.....	Steubenville
Metcalf, W. S., Court of Appeals	Chardon
Metzenbaum, James, Cuyahoga Bldg.....	Cleveland
Metzgar, Homer	Clyde
Metzger, Leger J., Spitzer Bldg.....	Toledo
Metzger, Pierce D., Swetland Bldg.....	Cleveland
Michie, Thomas L., 2nd National Bank Bldg.....	Cincinnati
Middleswart, C. C.....	Marietta
Middleton, E. P., Common Pleas Court.....	Urbana
Middleton, George S.....	Urbana
Middleton, W. H., Common Pleas Court.....	Waverly
Miller, Albert H., Spitzer Bldg.....	Toledo
Miller, A. Jay, Empire Bldg.....	Bellefontaine
Miller, Bertrand C., Clerk U. S. District Court.....	Cleveland
Miller, Charles R., Engineers Bldg.....	Cleveland
Miller, Clarence C.....	Ada
Miller, Dan T., Rockefeller Bldg.....	Cleveland
Miller, J. S.	Alliance
Miller, Nelson D.	Steubenville
Miller, W. L.	Xenia

Miller, William M. D.	Steubenville
Mills, D. F.	Sidney
Mills, Don P., American Trust Bldg.	Cleveland
Mitchell, A. H.	St. Clairsville
Mitchell, Herbert W.	St. Clairsville
Mitchell, William S., Williamson Bldg.	Cleveland
Moffett, T. J., Williamson Bldg.	Cleveland
Monnett, F. S., Outlook Bldg.	Columbus
Monnette, Orra E., Citizens Trust & Savings Bank.	Los Angeles, Cal.
Montgomery, Charles W., Trust Bldg.	Newark
Mooney, J. W., New 1st National Bank Bldg.	Columbus
Mooney, M. P., Society for Savings.	Cleveland
Moore, E. H., Wick Bldg.	Youngstown
Moore, J. J.	Ottawa
Moore, William B.	Lisbon
Morgan, D. E., Garfield Bldg.	Cleveland
Morgan, John B., Mahoning Bank Bldg.	Youngstown
Morgan, Robert D., Citizens Bldg.	Cleveland
Morgan, Robert M., Society for Savings.	Cleveland
Morgenstern, Joseph, Williamson Bldg.	Cleveland
Morley, John E., Williamson Bldg.	Cleveland
Morris, Charles A., Leader Bldg.	Cleveland
Morris, Froome	Cincinnati
Morris, Lindley W., Nicholas Bldg.	Toledo
Morrow, Thomas H., Mercantile Library Bldg.	Cincinnati
Morton, E. C., Spahr Bldg.	Columbus
Motz, G. B., Hamilton Bldg.	Akron
Moulinier, Edward P.	Cincinnati
Muhlhauser, Frank, Engineers Bldg.	Cleveland
Muller, M., Provident Bank Bldg.	Cincinnati
Mumbaugh, Oscar	Youngstown
Murphy, James H., Marshall Bldg.	Cleveland
Murphy, John G., Society for Savings.	Cleveland
Murphy, J. V.	Youngstown
Murphy, Walter D., 1st National Bank Bldg.	Cincinnati
Musser, Harvey, Flat Iron Bldg.	Akron
Myers, Walter E., Society for Savings	Cleveland
Mykrantz, H. A.	Ashland
McCann, Benjamin F., U. B. Bldg.	Dayton
McCarter, Edward B., Illuminating Bldg.	Cleveland
McCleary, Clayton A., New Hayden Bldg.	Columbus
McClelland, E. G.	Bowling Green
McClure, N. H., 234 South Court St.	Medina
McConnaughey, W. S., Schwind Bldg.	Dayton
McCormick, Thomas J., Gotwald Bldg.	Springfield

McDorman, Harry T.	Springfield
McDowell, C. Blake	Akron
McGannon, William H., Municipal Court.....	Cleveland
McGhee, Joseph	Jackson
McGillivray, J. M.	Jackson
McGowan, F. S., Williamson Bldg.....	Cleveland
McGrath, Lorenzo F., Engineers Bldg.....	Cleveland
McGraw, Harrison B., Citizens Bldg.....	Cleveland
McKeehan, H. H., Western Reserve Bldg.....	Cleveland
McKisson, Robert E., Williamson Bldg.....	Cleveland
McKnight, J. R.	Norwalk
McMahon, John A., Schwind Bldg.....	Dayton
McMahon, John B.....	Toledo
McNeil, Aaron, Mercantile Library Bldg.....	Cincinnati
McSweeney, John	Wooster
Nally, John A., Williamson Bldg.....	Cleveland
Neff, Clifford A., Williamson Bldg.....	Cleveland
Neff, William B., Court House	Cleveland
Neiger, Arthur A., Society for Savings Bldg.....	Cleveland
Nelson, Ben B., 4th National Bank Bldg.....	Cincinnati
Nevin, R. R., Callahan Bank Bldg.....	Dayton
Newbegin, Robert, 2nd National Bank Bldg.....	Toledo
Newcomb, A. G., Illuminating Bldg.....	Cleveland
Newcomb, R. B., Illuminating Bldg.....	Cleveland
Newman, Fred	Crestline
Nichols, John, Johnston Bldg.....	Cincinnati
Nicola, B. D., Williamson Bldg.....	Cleveland
Nieding, John A., American Trust Bldg.....	Cleveland
Niman, C. A., Engineers Bldg.....	Cleveland
Nippert, Alfred K., Common Pleas Court	Cincinnati
Nord, Herman J., Rockefeller Bldg.....	Cleveland
Northup, Charles S., Spitzer Bldg.....	Toledo
Nye, D. J., Century Bldg.....	Elyria
Nye, Horace H., Century Bldg.....	Elyria
O'Brien, Raymond H., Ohio Bank & Savings Bldg.....	Findlay
O'Donnell, Joseph P., American Trust Bldg.....	Cleveland
O'Donnell, Ray J., Ruggery Bldg.....	Columbus
Oesch, Frank L.....	Youngstown
Ohl, Guy T.	Youngstown
Olds, C. H., Society for Savings Bldg.....	Cleveland
Ong, Walter C., Williamson Bldg.....	Cleveland
Oppenheimer, Benton S., Superior Court.....	Cincinnati
Orgill, J. H., Illuminating Bldg.....	Cleveland
Ormond, John M., Spitzer Bldg.....	Toledo
Outcalt, Dudley C., Traction Bldg.....	Cincinnati

Page, Walter S., Chamber of Commerce	Columbus
Palmer, Herbert D., Hickox Bldg.....	Cleveland
Parks, Leonard B., Williamson Bldg.....	Cleveland
Parmenter, W. L., Masonic Bldg.....	Lima
Patrick, J. G.	New Philadelphia
Patterson, F. N.	Ashland
Patterson, Robert C., Reibold Bldg.....	Dayton
Patterson, Wm. E., American Trust Bldg.....	Cleveland
Pattison, Charles W., Williamson Bldg.....	Cleveland
Paxson, W. S., Hulbert Block	Cincinnati
Paxton, Thomas B.	Cincinnati
Payer, Harry F., Williamson Bldg.....	Cleveland
Pearce, E. Stanton, Orr Bldg.....	Steubenville
Pease, Edward L., 52 East Gay St.....	Columbus
Peck, John Weld, Atlas Bank Bldg.....	Cincinnati
Perry, B. F., Jr.	Jefferson
Perry, John Philip	Jefferson
Peckind, Solomon, Citizens Bldg.....	Cleveland
Peters, Edward F., 1st National Bank Bldg.....	Cincinnati
Peters, George S., 8 East Broad St.....	Columbus
Pfeiffer, Fred E., Society for Savings Bldg.....	Cleveland
Pickrel, William G., Schwind Bldg.....	Dayton
Piero, William J.	Canton
Pink, Louis P., Traction Bldg.....	Cincinnati
Platt, James H.	Tiffin
Plummer, J. L., Gotwald Bldg.....	Springfield
Poe, Merle N., Prosecuting Attorney	Findlay
Pogue, Provence M., 1st National Bank Bldg.....	Cincinnati
Pogue, Thomas L., 1st National Bank Bldg.....	Cincinnati
Pollock, John, Court of Appeals	St. Clairsville
Pomerene, Atlee, U. S. Senator.....	Canton
Pomerene, Frank E., 349 Main St.....	Coshocton
Pomerene, W. R., 8 East Broad St.....	Columbus
Porter, Edward W., Probate Judge.....	Marysville
Potter, E. D., Nicholas Bldg.....	Toledo
Poulson, Francis W., Police Prosecutor's Office.....	Cleveland
Pounds, H. A.....	Elyria
Powell, Louis K., Court of Appeals.....	Mt. Gilead
Powell, Richard A., Provident Bank Bldg.....	Cincinnati
Prather, Wm. W., Wiggins Block.....	Cincinnati
Pretzman, Charles J., Hayden Bldg.....	Columbus
Price, John H., Rockefeller Bldg.....	Cleveland
Priest, R. B.	Newark
Pruner, W. R.	Norwalk
Pugh, Robert C., Superior Court.....	Cincinnati

Pyle, Joseph G.	Sandusky
Quail, F. A., Garfield Bldg.	Cleveland
Ramsey, Robert	Cincinnati
Ramsey, R. K.	Sandusky
Ramsey, Wm. W., Union Central Life Ins. Co.	Cincinnati
Randall, E. O., State House	Columbus
Rankin, Carl S., 1st National Bank Bldg.	Cincinnati
Rappaport, J. E., Mercantile Library Bldg.	Cincinnati
Rathmell, Frank, Common Pleas Court	Columbus
Raup, George S.	Springfield
Rawdon, Walter F.	Ashtabula
Read, Joel Lewis	Columbus
Rector, Fred C., Spahr Bldg.	Columbus
Redington, Horace G.	Elyria
Reiter, George E., 136 Columbus Ave.	Sandusky
Renner, O. J., Provident Bank Bldg.	Cincinnati
Renner, Philip, Provident Bank Bldg.	Cincinnati
Resek, G. A.	Lorain
Reynolds, A. G., Common Pleas Court.	Painesville
Rhodes, George W., Hayden Bldg.	Columbus
Rice, Morris D.	Osborn
Richards, Rees G., National Exchange Bank Bldg.	Steubenville
Richards, S. S., Court of Appeals	Clyde
Richards, Walter Gay, New 1st National Bank Bldg.	Columbus
Richie, W. B.	Lima
Richter, Adolph, Johnston Bldg.	Cincinnati
Riegle, F. P.	Bowling Green
Rightmire, George W., College of Law.	Columbus
Riley, George B., Williamson Bldg.	Cleveland
Ritchie, Edwards, 4th National Bank Bldg.	Cincinnati
Ritter, George W., Spitzer Bldg.	Toledo
Robblee, H. C., Leader Bldg.	Cleveland
Roberts, H. Melvin, Leader Bldg.	Cleveland
Robertson, C. D., Carew Bldg.	Cincinnati
Robeson, Andrew C.	Greenville
Rockel, William M., Bushnell Bldg.	Springfield
Roebbling, Millard F., 4th & Main Sts.	Cincinnati
Rogers, H. Kenneth, Traction Bldg.	Cincinnati
Rogers, J. F., Outlook Bldg.	Columbus
Rogers, W. P., 21 West Ninth St.	Cincinnati
Ross, T. J., Williamson Bldg.	Cleveland
Rothenberg, William, Engineers Bldg.	Cleveland
Rover, Paul P., Mercantile Library Bldg.	Cincinnati
Royon, J. C., Williamson Bldg.	Cleveland
Ruffalo, John	Youngstown

Ruhl, James B., Society for Savings.....	Cleveland
Rummel, Albert G., Johnson Bldg.....	Cincinnati
Ryan, Walter A.....	Cincinnati
Sampliner, J. H., Williamson Bldg.....	Cleveland
Sanders, Clarence E., Leader Bldg.....	Cleveland
Sanders, Fielder, Municipal Court	Cleveland
Sanders, William B., Leader Bldg.....	Cleveland
Sanford, Marshall J., 516 West Market St.....	Lima
Sater, Lowry F., 52 East Gay St.....	Columbus
Sawicki, Joseph F., Society for Savings	Cleveland
Sawyer, Louis B., Traction Bldg.....	Cincinnati
Sawyer, R. T., Cleveland Trust Co.....	Cleveland
Schindel, John R., Carew Bldg.....	Cincinnati
Schmuck, T. K., Traction Bldg.....	Cincinnati
Schorr, David P., 2nd National Bank Bldg.....	Cincinnati
Schroth, George E., Box 392.....	Tiffin
Schuchardt, Wm., Lincoln Inn Court.....	Cincinnati
Schultz, Carlton F., Engineers Bldg.....	Cleveland
Schultz, Malvern E., Engineers Bldg.....	Cleveland
Schwartz, Ernest, Williamson Bldg.....	Cleveland
Schwartz, Benjamin H., Engineers Bldg.....	Cleveland
Scott, Frank C., Engineers Bldg.....	Cleveland
Seovanner, Liveo C., Perin Bldg.....	Cincinnati
Seager, F. E., 106 N. Front St.....	Fremont
Seasongood, Murray, Gwynne Bldg.....	Cincinnati
Seaton, A. E., Leader Bldg.....	Cleveland
Seiders, Charles A., Nicholas Bldg.....	Toledo
Seward, Charles W.....	Newark
Shallenberger, J. M., Williamson Bldg.....	Cleveland
Shattuck, A. C., 1st National Bank Bldg.....	Cincinnati
Shaver, William J., Engineers Bldg.....	Cleveland
Sheets, J. M., Hayden Bldg.....	Columbus
Sheffield, Henry E.....	Cleveland
Shepherd, W. C., Rentschler Bldg.....	Hamilton
Shockley, Albert D., Wiggins Block	Cincinnati
Shoup, Marcus	Xenia
Shroder, Jacob, Union Trust Bldg.....	Cincinnati
Siddall, G. B., Garfield Bldg.....	Cleveland
Sieber, George W., Akron Savings & Loan Bldg.....	Akron
Silbert, Samuel H., Police Prosecutor's Office.....	Cleveland
Simmons, George D.	Hicksville
Singer, Jacob	Cleveland
Sipe, Don R., Engineers Bldg.....	Cleveland
Skeel, Lee E., Engineers Bldg.....	Cleveland
Skiles, Glen G., ...	Shelby

Skiles, G. M.	Shelby
Skiles, R. C.	Shelby
Sloane, Thomas M., Probate Court	Sandusky
Smart, John H., Williamson Bldg.	Cleveland
Smiley, James J., Provident Bank Bldg.	Cincinnati
Smith, Barton, Smith & Baker Bldg.	Toledo
Smith, Carl H., Common Pleas Court	Steubenville
Smith, Rufus B., 1st National Bank Bldg.	Cincinnati
Smith, S. W., Jr., Court of Appeals	Cincinnati
Snow, Ralph R., Engineers Bldg.	Cleveland
Snyder, A. Talmadge	Canton
Snyder, Harvey R., Williamson Bldg.	Cleveland
Snyder, J. Royal, Williamson Bldg.	Cleveland
Southworth, Constant, 1st National Bank Bldg.	Cincinnati
Sowers, Daniel H., New 1st National Bank Bldg.	Columbus
Spangenberg, Arthur R., Traction Bldg.	Cincinnati
Spanner, Louis B., Society for Savings	Cleveland
Spaulding, Mott G., National Bank Bldg.	Ashtabula
Spear, Monroe W., American Trust Bldg.	Cleveland
Speidel, Eli H., Prosecuting Attorney.	Batavia
Spiegel, F. S., Mayor's Office	Cincinnati
Spooner, George W., Society for Savings.	Cleveland
Spraul, Clarence E., Auditor's office, City Hall.	Cincinnati
Sprigg, Carroll, Common Pleas Court	Dayton
Spurney, Edward F., Society for Savings	Cleveland
Squire, Andrew, Leader Bldg.	Cleveland
Stahl, Charles H., Hamilton Bldg.	Akron
Staiger, Geo. W., Engineers Bldg.	Cleveland
Stanley, W. K., Williamson Bldg.	Cleveland
Starbird, W. B.	Sandusky
Stearns, Arthur A., Williamson Bldg.	Cleveland
Stephens, Charles H., 1st National Bank Bldg.	Cincinnati
Stern, Joseph L., Leader Bldg.	Cleveland
Stevens, F. M., Ely Power Bldg.	Elyria
Stewart, Chase, Main & Limestone Sts.	Springfield
Stewart, Earle, 151 Center St.	Ironton
Stewart, James G., Neave Bldg.	Cincinnati
Stewart, Wm. B., Western Reserve Bldg.	Cleveland
Stites, B. H., Atlas Bank Bldg.	Cincinnati
Stoehr, Oscar, 111 East Fourth St.	Cincinnati
Strain, Shelley M.	Youngstown
Straman, Albert H.	Ottawa
Straman, John H.	Ottawa
Stricker, Sidney G., Union Trust Bldg.	Cincinnati
Strimple, A. B., Society for Savings	Cleveland

Strimple, Theodore L., Society for Savings	Cleveland
Strong, E. P., Society for Savings	Cleveland
Strong, Edward W., Wiggins Block.....	Cincinnati
Stroup, Lee, Turner Bldg.....	Elyria
Stuart, Edward W.	Akron
Stueve, C. A.....	Wapakoneta
Suire, Frank O., Mercantile Library Bldg.....	Cincinnati
Sullivan, John J., Williamson Bldg.....	Cleveland
Swain, C. L., Atlas Bank Bldg.....	Cincinnati
Swayne, Noah H., Second National Bank Bldg.....	Toledo
Swayne, Francis B., 149 Broadway.....	New York City
Swing, James B., Union Trust Bldg.....	Cincinnati
Tabor, Ira C.	Toledo
Taggart, Frank, Supt. of Insurance of Ohio.....	Wooster
Tanner, E. E., 187½ S. High St.....	Columbus
Taplin, Charles Farrand, Williamson Bldg.....	Cleveland
Tatum, Stewart L.	Springfield
Taylor, Edward L., Ruggery Bldg.....	Columbus
Taylor, Frank S., Williamson Bldg.....	Cleveland
Taylor, Henry C., Ruggery Bldg.....	Columbus
Taylor, James B.	Wooster
Taylor, Percy R.	Sidney
Taylor, Walter C., Mercantile Library Bldg.....	Cincinnati
Teegarden, W. W.	Greenville
Tehan, George W., Probate Court	Springfield
Thomas, Thomas J.	Youngstown
Thompson, Amos Burt, Engineers Bldg.....	Cleveland
Thompson, J. Paul, Engineers Bldg.....	Cleveland
Thompson, W. C.	Lebanon
Thompson, Wm. H., Williamson Bldg.....	Cleveland
Thorndyke, William, Guarantee Title Bldg.....	Cincinnati
Thraves, Meade G.	Fremont
Tilden, D. H., Williamson Bldg.....	Cleveland
Tillotson, A. Z.	Oberlin
Tossell, W. J.	Norwalk
Toulmin, H. A., Schwind Bldg.....	Dayton
Tracy, Newton A., Ohio Bldg.....	Toledo
Tracy, Thomas H., Ohio Bldg.....	Toledo
Treadway, Francis W., Society for Savings	Cleveland
Troette, John A., Troette Bldg.....	Cambridge
Turner, Edward C., Attorney General.....	Columbus
Turner, Milton H.	Cambridge
Turner, W. D., American Trust Bldg.....	Cleveland
Turney, Hubert J., Engineers Bldg.....	Cleveland
Tuttle, Barton B., Mercantile Library Bldg.....	Cincinnati

Tuttle, Lloyd G.	Painesville
Tyree, Millard, 2nd National Bank Bldg.	Cincinnati
Ulmer, J. M., Williamson Bldg.	Cleveland
Valentine, Carl H., Brunson Bldg.	Columbus
Van Deman, John N., The Arcade	Dayton
Van Deusen, C. E.	Lorain
Van Fossan, E. H.	Lisbon
Vargo, Hugo E., Rockefeller Bldg.	Cleveland
Vaughan, John R., Akron S. & L. Bldg.	Akron
Vickery, Melville W., Engineers Bldg.	Cleveland
Vickery, Willis, Common Pleas Court	Cleveland
Von Beseler, George C.	Painesville
Voorhees, Campbell M., Wyandotte Bldg.	Columbus
Voorhees, Edmund R.	Woodville
Vorys, A. I., 52 East Gay St.	Columbus
Wachner, Charles S., Cuyahoga Bldg.	Cleveland
Waite, Morison R., Carew Bldg.	Cincinnati
Walker, Charles A. J., Johnston Bldg.	Cincinnati
Walsh, James F., Williamson Bldg.	Cleveland
Warnock, W. R.	Urbana
Watson, B. G., New 1st National Bank Bldg.	Columbus
Watson, David K., Chamber of Commerce	Cleveland
Watson, John H., Jr., American Trust Bldg.	Cleveland
Watts, Charles F., Spitzer Bldg.	Toledo
Weadock, James J., Holmes Bldg.	Lima
Weaver, E. J., U. B. Bldg.	Dayton
Webber, H. B., The Courtland	Canton
Weed, Albert H., Engineers Bldg.	Cleveland
Weirick, W. J.	Loudonville
Weitz, Sidney N., Engineers Bldg.	Cleveland
Welch, George A., Garfield Bldg.	Cleveland
Weldon, William M.	Mansfield
Weller, H. J.	Tiffin
Welles, Geo. D., Ohio Bldg.	Toledo
Welty, B. F., Holmes Block	Lima
Wernke, Harry J., Atlas Bank Bldg.	Cincinnati
Wertz, Edwin Slusser, Commercial Bank Bldg.	Wooster
Wesselmann, Fred E., 2nd National Bank Bldg.	Cincinnati
West, Edward J., Common Pleas Court	Wilmington
West, Harry F., New Hayden Bldg.	Columbus
West, Samuel H., 2229 E. 89th St.	Cleveland
Westenhaver, D. C., Garfield Bldg.	Cleveland
Westfall, Ralph E., Columbus Savings & Trust Bldg.	Columbus
Wheeler, S. S., Holland Block	Lima
Whiley, C. B.	Lancaster

Whitcomb, Frank S., Leader Bldg.....	Cleveland
White, Charles G.	Batavia
White, C. M., Williamson Bldg.....	Cleveland
White, John G., Williamson Bldg.....	Cleveland
White, Pierre A., Williamson Bldg.....	Cleveland
White, Willis E., American Trust Bldg.....	Cleveland
Wickham, Ben B., Williamson Bldg.....	Cleveland
Wickham, Louis W.	Norwalk
Wieber, Louis H., Society for Savings Bldg.....	Cleveland
Wierman, William C.	Port Clinton
Wilby, Charles B., 814 Main St.,.....	Cincinnati
Wilby, Joseph	Cincinnati
Wildman, Samuel A., Whittlesey Bldg.....	Norwalk
Wilkin, Robert N., West High St.....	New Philadelphia
Wilkins, Charles M., Common Pleas Court.....	Warren
Williams, A. B., Jr., Marshall Bldg.....	Cleveland
Williams, C. C., Ruggery Bldg.....	Columbus
Williams, Elizabeth A., Marshall Bldg.....	Cleveland
Williams, Lloyd T., Ohio Bldg.....	Toledo
Williams, Roy H., Kingsbury Bldg.....	Sandusky
Willis, Frank B., Governor of Ohio	Ada
Wilson, Charles G., Gardner Bldg.....	Toledo
Wilson, Gideon C., Wiggins Block.....	Cincinnati
Wilson, James P., Mahoning Bank Bldg.....	Youngstown
Wilson, John F., Spahr Bldg.....	Columbus
Winbigler, C. P.	Ashland
Winch, Louis H., Williamson Bldg.....	Cleveland
Wing, George C., Citizens Bldg.....	Cleveland
Winn, W. R., Society for Savings	Cleveland
Wirt, B. F.....	Youngstown
Wise, W. Oliver.....	Akron
Wolf, Fred H.	Wauseon
Worley, John B., Common Pleas Court	Cadiz
Workum, David J.....	Cincinnati
Yaple, Wallace D.....	Chillicothe
Young, C. C., Society for Savings.....	Cleveland
Young, Don J.	Norwalk
Young, George R., Young Bldg.....	Dayton
Young, Henry	Norwalk
Young, Stephen M.	Norwalk
Young, W. E., Hamilton Bldg.....	Akron
Young, William H., Young Bldg.....	Dayton
Zehring, Augustus, Blackstone Bldg.....	Cleveland
Zimmer, Frank A.	Urbana
Zimmerman, Charles B.	Springfield

Zimmerman, John L.	Springfield
Zimmerman, William W.	Youngstown
Zinner, O. J., Society for Savings Bldg.	Cleveland
Zottarelli, J. V., Marshall Bldg.	Cleveland

*Please notify the Secretary of any
errors or change of address.*

1915 Membership Arranged According to Location

ADA

Willis, Frank B.

AKRON

Auten, G. W.
Bachtel, Harvey J.
Beery, Clyde F.
Dick, Charles
Doyle, Dayton A.
Eagleson, Freeman T.
Friedman, Samuel
Holloway, A. C.
Mather, Nation O.
Motz, G. B.
Musser, Harvey
McDowell, B. C.
Sieber, George W.
Stahl, Charles H.
Stuart, Edwin W.
Vaughan, John R.
Wise, W. Oliver.
Young, W. E.

ALLIANCE

Hart, W. L.
Miller, J. S.

ASHLAND

Devor, William T.
Graven, D. H.
Mykrantz, H. A.
Patterson, F. N.
Winbigler, C. P.

ASHTABULA

Dunlavy, D. F.
Rawdon, Walter F.
Spaulding, Mott G.

ATHENS

Foster, I. M.
Grosvenor, Charles H.

BATAVIA

Speidel, Eli H.
White, Charles G.

BELLEFONTAINE

Cassidy, John R.
Long, Forrest G.
Miller, A. Jay

BELLVILLE

Hines, Clark B.

BOWLING GREEN

Avery, Ray D.
Baldwin, Frank A.
Harrington, N. R.
James, Benjamin F.
Jones, Datus R.
McClelland, E. G.
Riegle, F. P.

BURG HILL

Jones, Asa W.

CADIZ.

Hollingsworth, D. A.
Worley, John B.

CAMBRIDGE

Bell, James W.
Troette, John A.
Turner, Milton H.

CANAL DOVER

Fernsell, Conrad C.
Hostetler, H. H.

CANTON

Ambler, Ralph S.
Amerman, James L.
Blake, Joseph M.
Clark, George H.
Day, David B.
Fimple, John H.
Harter, Henry W.
Krichbaum, Charles
Piero, William J.
Pomerene, Atles
Snyder, A. T.
Webber, H. B.

CELINA

Day, James H.

CHARDON

Metcalf, W. S.

CHILLICOTHE

Evans, Lyle S.

Massie, D. M.

Yaple, Wallace D.

CINCINNATI

212

Acomb, J. J.

Alcorn, Albert D.

Alcorn, Robert S.

Allen, Alfred G.

Allen, Marston

Avery, Coleman

Baer, Henry

Bailey, Oliver G.

Baker, Charles W.

Ballard, Edward M.

Barnes, Harry C.

Barton, Edward

Basler, Carl E.

Beckman, Vincent H.

Beinhart, Walter M.

Bell, Charles S.

Bell, Samuel W.

Berman, Oscar A.

Bettinger, Albert

Bettman, Alfred

Bettman, Gilbert

Black, Robert A.

Black, Robert L.

Bolsinger, H. C.

Bonham, Scott

Bowdle, Stanley E.

Bowman, Frank McK.

Bruce, Edward K.

Bruce, John E.

Cadwalader, Pierce J.

Caldwell, John A.

Caldwell, Ralph R.

Cappelle, Louis H.

Carroll, R. de V.

Cash, Denis F.

Cassatt, Alfred C.

Church, Samuel S.

Cist, Charles M.

Clippinger, W. W.

Cochran, W. C.

Coffin, William M.

Cohen, Alfred W.

Colston, Edward

Connolly, Paul V.

Conroy, Joseph W.

Coppock, Charles T.

Cosgrave, Otway J.

Cowell, John W.

Cramer, Nelson B.

Croaley, Powel

Curts, J. W.

Dale, Ben B.

Darby, Thomas H.

Deasy, John A.

DeCamp, Walter A.

Dempey, Edward J.

Dickerson, Richard T.

Dinsmore, Frank F.

Dixon, Edward J.

Dolle, Charles F.

Dolle, Louis J.

Dunlap, Anthony B.

Durand, C. Homer

Eckert, John O.

Engelhardt, H. E.

Ferris, Aaron A.

Fitzpatrick, John E.

Fredriks, G. J.

Freericks, Frank H.

Freiberg, A. J.

Fulford, Alfred T.

Galvin, John

Garrard, Jephth

Gatch, Lewis N.

Geoghegan, William A.

Gholson, Edwin

Goldsmith, A. W.

Goldsmith, A. W., Jr.

Goldsmith, Geoffrey

Gregory, Thomas M.

Groom, Charles A.

Hammel, Samuel B.

Hargitt, Robert P.

Harmon, Judson

Harper, J. C.

Headley, Sanford A.

Heidingsfeld, Ben L.

Heintz, Victor

Herbsleb, A. F.

Hermann, John C.

Herrlinger, A. L.

Hickenlooper, Smith

Hinkle, Frederick W.

Hoadly, George

Hoffheimer, Harry M.

Hoffman, Charles W.

Holmes, John R.

Horstman, Theodore

Hosea, Lewis M.
Hunt, Charles J.
Hunt, Henry T.
Hurtig, Milton
Hurtig, Simeon H.
Ireton, Louis A.
Jacobs, Carl M.
James, Francis B.
Jelke, Ferdinand, Jr.
Johnson, Clyde P.
Johnson, Edgar M.
Johnson, J. William
Johnson, Simeon M.
Jones, Edward H.
Jones, Oliver B.
Jones, Orville K.
Keller, D. C.
Kinkead, Ellis G.
Klein, Harry T.
Klein, Saul S.
Klein, William J.
Knight, Walter A.
Kohl, J. Louis
Kramer, Adam A.
Kramer, Louis
Kuhn, Oscar W.
Kunkle, Frank H.
Levy, David M.
Levy, Lipman
Littleford, William
Long, Bert H.
Longworth, Nicholas
Mack, Alfred
Mardorf, W. C.
Matthews, C. B.
Matthews, Mortimer
Maxwell, Lawrence
May, Max B.
Merrill, Chester W.
Michie, Thomas L.
Morris, Froome
Morrow, Thomas H.
Moulinier, Edward P.
Muller, M.
Murphy, Walter D.
McNeil, Aaron
Nelson, Ben B.
Nichols, John
Nippert, Alfred K.
Oppenheimer, Benton S.
Outcalt, Dudley C.
Paxon, W. S.
Paxton, Thomas B.
Peck, J. W.
Peters, Edward F.
Pink, Louis P.

Pogue, Provence M.
Pogue, Thomas L.
Powell, Richard A.
Prather, William W.
Pugh, Robert C.
Ramsey, Robert
Ramsey, William W.
Rankin, Carl S.
Rappaport, J. E.
Renner, O. J.
Renner, Philip
Richter, Adolph
Ritchie, Edwards
Robertson, C. D.
Roebbling, Millard F.
Rogers, H. Kenneth
Rogers, W. P.
Rover, Paul P.
Rummel, G. Albert
Ryan, Walter A.
Sawyer, Louis B.
Schindel, John R.
Schmuck, T. K.
Schorr, David P.
Schuchardt, William
Scovanner, Liveo C.
Seasongood, Murray
Shattuck, A. C.
Shockley, Albert D.
Shroder, Jacob
Smiley, James J.
Smith, Rufus B.
Smith, S. W., Jr.
Southworth, Constant
Spangenberg, Arthur R.
Spiegle, F. S.
Spraul, C. E.
Stephens, Charles H.
Stewart, James G.
Stites, B. H.
Stoehr, Oscar
Stricker, Sidney G.
Strong, Edward W.
Suire, Frank O.
Swain, C. L.
Swing, James B.
Taylor, Walter C.
Thorndyke, William
Tuttle, Burton B.
Tyree, Millard
Waite, Morison R.
Walker, Charles A. J.
Wernke, Harry J.
Wesselman, Fred E.
Wilby, Charles B.
Wilby, Joseph

Wilson, Gideon C.
Workum, David J.

CIRCLEVILLE

Abernethy, Isaac N.

CLEVELAND

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Abbott, Gardner
Albi, E. J.
Alburn, John A.
Alexander, Chas. A.
Allen, Florence Ellinwood
Ammerman, Charles
Austin, Charles T.
Babka, John J.
Bacon, L. B.
Baker, Newton D.
Baldwin, Arthur D.
Bardwell, A. E.
Barkdull, Howard L.
Bates, Albert H.
Beckerman, Henry A.
Beckett, H. A.
Bejeeck, C. A.
Bell, E. M.
Bemis, Alton A.
Bentley, Charles S.
Bernsteen, A. E.
Bernstein, J. M.
Biggs, Charles L.
Bissell, Clarence R.
Blandin, E. J.
Bloch, J. C.
Blue, Ralph
Bole, Ben P.
Boone, G. A.
Boyd, William H.
Boyle, W. C.
Bracken, William C.
Brock, Chas. E.
Brooks, Charles T.
Brooks, Elmer E.
Bruml, Fred E.
Burgert, Samuel
Burke, Vernon H.
Burton, Theodore E.
Buss, Charles M.
Calfes, Robert M.
Canfield, L. R.
Cannon, Austin V.
Carpenter, A. G.
Carpenter, Frank B.
Chandler, Frank M.
Chapman, Carlos A.
Chapman, E. C.
Clark Harold T.
Clark, William T.
Clevenger,, A. E.
Clum, Alfred
Cobb, Frank M.
Cook, E. S.
Copeland, Mark A.
Corlett, Louis A.
Counts, A. F.
Couse, Howard A.
Crampton, Paul S.
Crawford, Harry J.
Cross, Cleaveland R.
Crum, Phelps
Cull, Daniel B.
Cummings, G. M.
Curren, Robert G.
Cushing, William E.
Day, Luther
DeKaiser, Jacob
Dempsey, James H.
Dempsey, John P.
Denison, Robert F.
Desberg, Fred
Dickey, M. R., Jr.
Diehm, Ellis R.
Dille, Charles W.
Dissette, Edward W.
Dissette, George C.
Doolittle, H. J.
Doster, Eli E.
Duncan, B. M.
Duncan, William M.
Dunlap, Thomas S.
Dushkind, H. A.
Dustin, Alton C.
Edgert, Sol
Edwards, Ralph W.
Emerman, Maxwell V.
Estep, Charles J.
Evarts, Frank B.
Farnsworth, Harry M.
Farquharson, Guy O.
Fauver, C. K.
Fay, J. B.
Feazel, E. A.
Finfrook, C. M.
Fiscus, C. N.
Fish, John
Fisher, E. M.
FitzGerald, William S.
Fleharty, John L.
Flory, Walter L.
Fogg, J. G.
Fogle, J. A.

Footo, E. A.
Ford, Carl B.
Friebolin, Carl D.
Gahn, Harry C.
Garfield, J. R.
Garfield, John M.
Garry, Thomas H.
Gates, C. L.
Godfrey, William R.
Goff, Frederick H.
Gordon, William
Gott, F. B.
Green, David E.
Green, Frederick W.
Griswold, James H.
Grohs, Isidor
Groot, George A.
Gross, Miss Emma E.
Grossman, Miss Mary B.
Guerin, W. E., Jr.
Guthery, B. J.
Guthery, E. G.
Hadden, Alexander
Hagenbuch, George E.
Hahn, Aaron
Hahn, Edgar A.
Hainen, Frank E.
Hale, John C.
Hall, Edward M., Jr.
Harris, George B.
Hart, William J.
Hasselman, W. H.
Hathaway, B. E.
Henderson, J. M.
Henry, F. A.
Herrick, Frank R.
Higley, Frank
Hine, Charles P.
Hogg, John H.
Hogsett, T. H.
Hole, Frederick L.
Hole, Warren W.
Holliday, W. T.
Hopkins, Evan H.
Hopkins, W. R.
Hopple, E. J.
Horwitz, Samuel
Howland, Paul
Hoyt, James H.
Hyde, Charles A.
Ingersoll, Alvan F.
Jenks, B. L.
Jerome, F. J.
Johnson, Homer H.
Johnson, Thomas L.
Jenkins, C. H.

Kangesser, H. A.
Kassulker, Paul G.
Kastriner, M. W.
Keeler, Harvey R.
Keough, Wm. C.
Kistner, J. R.
Klein, David
Klein, Joseph, J.
Kline, Virgil P.
Knapp, Howard H.
Knight, Paul S.
Knight, Wallace I.
Koblitz, Milton S.
Kolinsky, Abraham
Kramer, S. E.
Kraus, L. A.
Krueger, E. H.
Landfear, Lucius R.
Lawrence, Albert
Lawrence, Albert Lynn
Lawrence, L. N.
Lee, Richard H.
Leeper, Edward W.
Lewenthal, A.
Lieghley, P. L. A.
Litzler, L. I.
Locher, Cyrus
Loeser, Irwin N.
Loeser, Nathan
Logue, J. C.
Lustig, Henry H.
Mahon, W. J.
Marty, George B.
Marvin, Francis R.
Marvin, U. L.
Maurer, W. F.
Maxwell, J. Sharp
Meals, Walter D.
Meek, David Channing
Megerth, C. R.
Mendelson, Albert
Merrick, W. C.
Metzenbaum, James
Metzger, Pierce D.
Miller, B. C.
Miller, Charles R.
Miller, Dan T.
Mills, Don P.
Mitchell, William S.
Moffett, T. J.
Mooney, M. P.
Morgan, D. E.
Morgan, Robert D.
Morgan, Robert M.
Morgenstern, Joseph
Morley, John E.

Morris, Charles A.
Muhlhauser, Frank
Murphy, James H.
Murphy, John G.
Myers, Walter E.
McCarter, Edward B.
McGannon, William H.
McGowan, F. S.
McGrath, Lorenzo F.
McGraw, Harrison B.
McKeehan, H. H.
McKisson, Robert E.
Nally, John A.
Neff, Clifford A.
Neff, William B.
Neiger, Arthur A.
Newcomb, A. G.
Newcomb, R. B.
Nicola, B. D.
Nieding, John A.
Niman, C. A.
Nord, Herman J.
O'Donnell, Joseph P.
Olds, Charles H.
Ong, Walter C.
Orgill, John H.
Palmer, Herbert D.
Parks, Leonard B.
Patterson, William E.
Pattison, Charles W.
Payer, Harry F.
Peskind, Solomon
Pfeiffer, Fred E.
Poulson, F. W.
Price, John H.
Quail, F. A.
Riley, George B.
Robbiee, H. C.
Roberts, H. Melvin
Ross, T. J.
Rothenberg, William
Royon, J. C.
Ruhl, James B.
Sampliner, J. H.
Sanders, Clarence E.
Sanders, Fielder
Sanders, William B.
Sawicki, Joseph F.
Sawyer, R. T.
Schultz, Carlton F.
Schultz, Malvern E.
Schwartz, Ernest
Scott, Frank C.
Seaton, A. E.
Shallenberger, J. M.
Shaver, W. J.

Sheffield, Henry E.
Siddall, George B.
Silbert, Samuel H.
Singer, Jacob
Sipe, Don R.
Skeel, Lee E.
Smart, John H.
Snow, Ralph R.
Snyder, Harvey R.
Snyder, John R.
Spanner, Louis B.
Spear, Monroe W.
Spooner, George W.
Spurney, Edward F.
Squire, Andrew
Staiger, George W.
Stanley, W. K.
Stearns, Arthur A.
Stern, Joseph L.
Stewart, William B.
Strimple, A. B.
Strimple, Theodore L.
Strong, E. P.
Sullivan, John J.
Taplin, Charles Farrand
Taylor, Frank S.
Thompson, Amos Burt
Thompson, J. Paul
Thompson, William H.
Tilden, D. H.
Treadway, Francis W.
Turner, W. D.
Turney, Hubert J.
Ulmer, J. M.
Vargo, Hugo E.
Vickery, M. W.
Vickery, Willis
Wachner, Charles S.
Walsh, James F.
Watson, John H., Jr.
Weed, Albert H.
Weitz, Sidney N.
Welch, George A.
West, Samuel H.
Westenhaver, D. C.
Whitcomb, Frank S.
White, C. M.
White, John G.
White, Pierre A.
White, Willis E.
Wickham, Ben B.
Wieber, Louis H.
Williams, A. B., Jr.
Williams, Miss Elizabeth A.
Winch, Louis H.
Wing, George C.

Winn, W. R.
 Young, C. C.
 Zehring, Augustus
 Zinner, O. J.
 Zottarelli, J. V.

CLYDE

Dewey, Thomas P.
 Finch, J. D.
 Metzgar, Homer
 Richards, S. S.

COLUMBUS

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Adams, John J.
 Allen, James A.
 Arnold, Harry B.
 Aubert, Charles
 Barger, B. L.
 Barnett, Warren E.
 Bates, Earl C.
 Bennett, Smith W.
 Bibbee, G. E.
 Blanchard, Charles E.
 Booth, Henry J.
 Bradley, Herbert E.
 Burr, Karl E.
 Butler, James M.
 Carlisle, John F.
 Cockley, William B.
 Crum, Ira H.
 Daughtery, Harry M.
 Davis, O. E.
 Dennis, Jerry
 Dillon, Edmund B.
 Evans, Marcus G.
 Gumble, Henry
 Harrison, Dwight
 Harrison, O. E.
 Henderson, W. O.
 Henney, John L. W.
 Hengst, James M.
 Hershey, H. H.
 Holmes, J. T.
 Huggins, Burch D.
 Huggins, E. N.
 Irvine, E. C.
 Johnson, J. L.
 Jones, William H.
 Keating, Thomas J.
 Kohn, Harry
 Krumm, Chas. S. M.
 Laylin, Clarence D.
 Laylin, L. C.
 Laylin, Louis F.

Marshall, Charles C.
 Monnett, F. S.
 Mooney, J. W.
 Morton, E. C.
 McCleary, Clayton A.
 O'Donnell, R. J.
 Page, Walter S.
 Pease, Edward L.
 Peters, George S.
 Pomerene, W. R.
 Pretzman, Charles J.
 Randall, E. O.
 Rathmell, Frank
 Rector, Fred C.
 Read, J. L.
 Rhodes, George W.
 Richards, Walter G.
 Rightmire, George W.
 Rogers, J. F.
 Sater, Lowry F.
 Sheets, J. M.
 Sowers, Daniel H.
 Tanner, E. E.
 Taylor, E. L.
 Taylor, Henry C.
 Turner, Edward C.
 Valentine, Carl H.
 Voorhees, Campbell M.
 Vorys, A. I.
 Watson, B. G.
 Watson, David K.
 West, Harry F.
 Westfall, Ralph E.
 Williams, C. C.
 Wilson, John F.

COSHOCKTON

Hunt, Charles B.
 Merrell, William S.
 Pomerene, Frank E.

CRESTLINE

Newman, Fred

DAYTON

24

Allaman, Daniel W.
 Baggott, Roland W.
 Brown, O. B.
 Dustin, C. W.
 Dwyer, Dennis
 Elliff, Charles W.
 Ferneding, H. L.
 Gilmore, Clement R.
 Gottschall, O. M.

Iddings, Daniel W.
Kennedy, Isaac G.
Matthews, Edwin P.
McCann, Benjamin F.
McConnaughey, W. S.
McMahon, John A.
Nevin, R. R.
Patterson, Robert C.
Pickrel, William G.
Sprigg, Carroll
Toulmin, H. A.
Van Deman, John N.
Weaver, E. J.
Young, George R.
Young, William H.

DEFIANCE

Hay, Frederick L.

DELAWARE

Cupp, D. M.
Marriott, Frank M.

EAST PALESTINE

Kyes, Lafayette M.

EATON

Fisher, Elam
Lowry, R. E.

ELYRIA

Ingersoll, H. W.
Johnson, H. C.
Nye, D. J.
Nye, Horace H.
Pounds, H. A.
Redington, H. G.
Stephens, F. M.
Stroup, Lee

FINDLAY

Banker, G. G.
Betts, John E.
Burket, Harlan F.
Duncan, William F.
Hurin, Silas E.
Hurley, F. Eugene
O'Brien, Raymond H.
Poe, Merle N.

FREMONT

DeRan, H. C.
Hunt, James G.
Seager, F. E.
Thraves, Meade G.

GALION

Geer, William J.

GALLIPOLIS

Johnston, Hollis C.

GREENVILLE

Allread, James I.
Bowman, D. W.
Dersham, H. F.
Gaskill, D. L.
Harrison, O. E.
Katzenberger, George A.
Krickenberg, Oscar R.
Maher, John F.
Robeson, Andrew C.
Teegarden, W. W.

HAMILTON

Andrews, Allen
Andrews, John D.
Harlan, Walter S.
Shepherd, W. C.

HICKSVILLE

Simmons, George D.

HILLSBORO

Garrett, George L.

IRONTON

Bibbee, Jeremiah B.
Corn, Edward E.
Johnsen, A. R.
Jones, Dan C.
Mahoney, William J.
Stewart, Earle

JACKSON

McGhee, Joseph
McGillivray, J. M.

JEFFERSON

Perry, B. F., Jr.
Perry, John P.

KENTON

Crane, George E.
Hoge, Hamilton E.
Johnson, A. B.
Mahon, Paul T.
Melhorn, D. F.

LANCASTER

Deffenbaugh, J. W.
Martin, William K.
Whiley, C. B.

LEBANON

Brandon, Frank
Brown, Alton F.
Eltzroth, W. F.
Thompson, W. C.

LIMA

Bentley, H. O.
Cable, Davis J.
Cable, John L.
Downing, F. H.
Grindle, H. D.
Halfhill, James W.
Hamilton, T. R.
Henderson, D. C.
Kirk, Wm. B.
Klinger, W.
Ludwig, Lucien E.
MacKenzie, Ralph P.
Miller, Clarence C.
Parmenter, W. L.
Richie, Walter B.
Sanford, Marshall J.
Weadock, James J.
Welty, B. F.
Wheeler, S. S.

LISBON

Billingsley, N. B.
Farr, Louis T.
Moore, William B.
Van Fossan, E. H.

LONDON

Cordray, A. T.

LORAIN

Calhoun, A. C.
Glitsch, George L.
Resek, G. A.
Van Deusen, C. E.

LOS ANGELES, CAL.

Monnette, Orra E.

LOUDONVILLE

Weirick, W. J.

MANSFIELD

Brucker, Lewis
Coss, John H.
Gifford, W. H.
Keating, Charles H.
Weldon, William M.

MARIETTA

Follett, A. D.
Follet, E. B.
Gallaher, J. A.
Jones, David W.
Middleswart, C. C.

MARION

Mouser, G. E.

MARYSVILLE

Brodrick, John M.
Hoopes, Clarence A.
Porter, Edward W.

MASSILLON

Day, R. H.

MEDINA

McClure, N. H.

MIDDLE BRANCH

Ashcraft, Alva M.

MILLERSBURG

Hanna, W. S.

MT. GILEAD

Powell, L. K.

MT. VERNON

Beam, Henry G.
Houck, Lewis B.

NAPOLEON

Donovan, D. D.

NEWARK

Flory, Charles L.
Flory, J. A.
Fulton, T. B.
Hilliard, J. V.
Horner, J. W.
Kibler, Edward
Montgomery, Charles W.
Priest, R. B.
Seward, Charles W.

NEWCOMERSTOWN

Lindsay, E. E.

NEW PHILADELPHIA

Bowers, Henry
Patrick, J. G.
Wilkin, Robert N.

NEW YORK, N. Y.

Blymyer, William H.
Fitch, Winchester
Swayne, Francis B.

NORWALK

Craig, G. Ray
Martin, E. G.
McKnight, J. R.
Pruner, W. R.
Tossell, W. J.
Wickham, Louis W.
Wildman, Samuel A.
Young, Don J.
Young, Stephen M.
Young, Henry

OBERLIN

Tillotson, A. Z.

OSBORN

Rice, Morris D.

OTTAWA

Eastman, E. R.
Leasure, James P.
Moore, J. J.
Straman, Albert H.
Straman, John H.

PAINESVILLE

Blakeley, Elbert F.
Burrows, J. B.
Hammar, Harry E.
Reynolds, A. G.
Tuttle, Lloyd G.
Von Beseler, George C.

PITTSBURG, PA.

Gilbert, Lucien L.

PORT CLINTON

Wierman, William C.

PORTSMOUTH

Bannon, Arthur H.
Bannon, Henry
Bannon, James W.

RAVENNA

Beckley, W. J.
Loomis, H. R.

ST. CLAIRSVILLE

Lynch, Charles J.
Mitchell, A. H.
Mitchell, Herbert W.
Pollock, John

SANDUSKY

King, Edmund B.
Pyle, Joseph G.
Ramsey, R. K.
Reiter, George E.
Sloane, Thomas M.
Starbird, W. B.
Williams, Roy H.

SEVILLE

Elliot, Lee

SHELBY

Long, B. F.
Mansfield, Edwin
Skiles, G. G.
Skiles, G. M.
Skiles, Roscoe C.

SIDNEY

Barnes, J. D.
Mathers, Hugh T.
Taylor, Percy R.

SPRINGFIELD

Bowman, J. E.
Cole, John M.
Diehl, Warren W.
Eiser, Karl V.
Geiger, Frank W.
Houck, Edwin S.
Hagan, F. M.
Hudson, Thomas F.
Johnston, Floyd A.
Keifer, William W.
Kirkpatrick, Donald
Krapp, Frank M.
Kunkle, Albert H.

Link, A. C.
 Martin, Paul C.
 McCormick, T. J.
 McDorman, H. T.
 Plummer, J. L.
 Raup, Geo. S.
 Rockel, William M.
 Stewart, Chase
 Tatum, S. L.
 Tehan, Geo. W.
 Zimmerman, Chas. B.
 Zimmerman, John L.

STEUBENVILLE

Bigger, John M.
 Cohen, Ralph B.
 Erskine, E. E.
 Finley, E. L.
 Gruber, D. M.
 Healea, Thompson D.
 Huston, John A.
 Jones, Thomas S.
 Kerr, Frank H.
 Levinson, Ralph
 Lewis, Addison C.
 Merryman, Roy N.
 Miller, Nelson D.
 Miller, Wm. McD.
 Pearce, E. Stanton
 Richards, Rees G.
 Smith, Carl H.

TIFFIN

Kiskadden, Alexander
 Knepper, Russell M.
 Platt, James H.
 Schroth, George E.
 Weller, H. J.

TOLEDO

51

Austin, James, Jr.
 Baker, Rufus H.
 Bassett, George A.
 Beard, E. M.
 Beckwith, George H.
 Belford, Fordyce
 Brophy, Stephen
 Brough, B. F.
 Brown, Clarence
 Brumback, Orville S.
 Chapman, C. F., Jr.
 Connell, T. F.
 Crouch, John B.

Denman, U. G.
 Duffy, Warren J.
 Fraser, Harold W.
 Friedman, Charles K.
 Fuller, Rathbun
 Geddes, F. L.
 Geer, Frank H.
 Hahn, George P.
 Hamilton, J. K.
 Hankinson, Otto L.
 Harris, William H.
 Hayes, Birchard A.
 Holbrook, Ralph S.
 King, Harry E.
 Klotz, Solon T.
 Lane, J. W.
 Lewis, Charles T.
 Logan, Richard D.
 Masters, C. H.
 Metzger, Leger J.
 Miller, Albert H.
 Morris, L. W.
 McMahon, John B.
 Newbegin, Robert
 Northrup, Charles S.
 Ormond, John M.
 Potter, E. D.
 Ritter, George W.
 Seiders, Charles A.
 Smith, Barton
 Swayne, Noah H.
 Tabor, Ira C.
 Tracy, Newton A.
 Tracy, Thomas H.
 Watts, C. F.
 Welles, George D.
 Williams, Lloyd T.
 Wilson, Charles G.

TROY

Broomhall, A. F.
 Gilbert, William H.

URBANA

Deaton, S. S.
 Duncan, C. H.
 Middleton, E. P.
 Middleton, George S.
 Warnock, W. R.
 Zimmer, Frank A.

VAN WERT

Conn, H. L.

WAPAKONETA

Goeke, J. H.
Layton, Roy E.
Stueve, C. A.

WARREN

Fillius, Charles
Gillmer, T. I.
Wilkins, Chas. M.

WASHINGTON D. C.

Ellis, Challen B.
Ellis, Wade H.
Laubie, Peter A.

WAUSEON

Wolf, Fred H.

WAVERLY

Caldwell, Chas. M.
Dill, Lewis G.
Middleton, W. H.

WILMINGTON

Clevenger, F. M.
West, Edward J.

WOODVILLE

Voorhees, Edmund R.

WOOSTER

McSweeney, John
Taggart, Frank
Taylor, James B.
Wertz, Edwin S.

XENIA

Darlington, Charles L.
Gowdy, Robert L.
Miller, W. L.
Hartley, M. J.
Shoup, Marcus

YOUNGSTOWN

37

Arrel, George F.
Barnum, Wm. P., Jr.
Brown, Ensign N.
Brunswick, Max E.
Bye, Hiram G.
Calvin, Anthony B.
Carew, George J.
Carman, W. C.
DeCamp, B. K.
DeFord, U. C.
Fell, Ora T.
Ford, John W.
George, L. L.
Gibson, W. T.
Gilgen, Chas. W.
Hammond, G. F.
Harrington, John T.
Jackson, Charles J.
Jenkins, David G.
Johnston, J. R.
Kennealy, W. J.
Kennedy, Dudley R.
Koonce, Charles, Jr.
Lowry, L. H. E.
Manchester, Leroy A.
Moore, E. H.
Morgan, John B.
Mumbaugh, Oscar
Murphy, J. V.
Oesch, Frank L.
Ohl, Guy T.
Ruffalo, John
Strain, S. M.
Thomas, T. J.
Wilson, James P.
Wirt, B. F.
Zimmerman, Wm. W.

ZANESVILLE

Frazier, A. A.

TOTAL MEMBERSHIP 1076

MORTUARY LIST

MORTUARY LIST

Name	Became Member	Died	Memorial	Residence
Adams, Perry M.....	1889	August 22, 1891.....	Vol. 13, p. 34, 155.....	Piffin
Albery, Herman B.....	1881	February 22, 1915.....	Vol. 36, p. 113.....	Columbus
Allen, David A.....	1898	August 10, 1898.....	Vol. 20, p. 34, 52, 245.....	Newark
Anderson, James H.....	1898 .....	.....	Vol. 34, p. 136.....	Columbus
Angell, E. A.....	1890	July 4, 1898.....	Vol. 23, p. 29, Vol. 19, p. 233	Cleveland
Ashburn, T. Q.....	Ex-Officio	January 17, 1890.....	Vol. 11, p. 44.....	Batavia
Atherton, Gibson.....	Ex-Officio	November 10, 1887.....	Vol. 8, p. 187.....	Newark
Baker, William.....	Original	November 17, 1894.....	Vol. 16, p. 123.....	Toledo
Baldwin, Charles C.....	1889	February 2, 1895.....	Vol. 16, p. 119.....	Cleveland
Barber, R. P. Llewellyn...	1880	July 25, 1895.....	Vol. 9, p. 285.....	Columbus
Barry, George W.....	1902	February 22, 1913.....	Vol. 34, p. 137.....	Delaware
Bartley, Thomas W.....	Ex-Officio	June 20, 1885.....	Vol. 23, p. 31.....	Cincinnati
Bateman, Warner M.....	1891	October 4, 1897.....	Vol. 19, p. 219.....	Cincinnati
Bates, James L.....	1880	May 2, 1895.....	Vol. 11, p. 276.....	Columbus
Bayless, Samuel O.....	1902	October 21, 1914.....	Vol. 36, p. 114.....	Cincinnati
Beavis, Benj. E.....	1880	March 4, 1884.....	.....	Cleveland
Beavis, William H.....	1883	January 4, 1908.....	Vol. 30, p. 18.....	Cleveland
Beer, Thomas.....	1898	May 17, 1910.....	Vol. 31, p. 43.....	Bacynus
Belford, Irvin.....	1890	November 25, 1909.....	Vol. 31, p. 48.....	Toledo
Bell, Marion G.....	1907	April 17, 1915.....	Vol. 36, p. 115.....	Bellefontaine
Bingham, Edward F.....	Ex-Officio	September 3, 1907.....	Vol. 30, p. 11.....	Washington, D. C.

Bishop, J. P.	Ex-Oficio	October 28, 1881.	Vol. 23, p. 31.	Cleveland
Black, Thos. F.	1898	December 2, 1905.	Vol. 28, p. 47.	Mansfield
Boone, George B.	1902	December 2, 1905.	Vol. 28, p. 47.	Mansfield
Bow, Charles C.	1894	June 2, 1906.	Vol. 28, p. 49.	Toledo
Brady, Patrick J.	1909	November 2, 1913.	Vol. 35, p. 165.	Cleveland
Brice, Herbert L.	1898	May 23, 1902.	Vol. 24.	Lima
Brinkerhoff, Jacob.	Ex-Oficio	July 19, 1880	Vol. 23, p. 31.	Mansfield
Brister, E. M. P.	1906	October, 1910.	Vol. 32, p. 11.	Newark
Brooks, J. Twing.	1880	October 11, 1901.	Vol. 23, p. 159.	Salem
Buckland, Ralph P.	Original	May 27, 1892.	Vol. 13, p. 33, 205.	Fremont
Bunker, Henry S.	1881	March 21, 1900.	Vol. 21, p. 36, 208.	Toledo
Burch, Wallace.	1913	August 30, 1914.	Vol. 36, p. 119.	Cincinnati
Burket, Jacob F.	Original	October 9, 1906.	Vol. 28, p. 41.	Findlay
Burnett, Jacob.	1882		Vol. 10, p. 43.	Cincinnati
Burr, Chas. E.	1882	May 28, 1903.	Vol. 24, p. 284.	Columbus
Cadwell, James P.	1890	November 12, 1902.	Vol. 24, p. 279.	Jefferson
Campbell, J. V.	1882	July 2, 1888.	Vol. 9, p. 49 and 11, 288.	Eaton
Cannfield, Delos W.	Original	December 29, 1900.	Vol. 22, p. 37, 173.	Chardon
Carhart, Henry Clay	1880	April 17, 1893.	Vol. 14, p. 29.	Galion
Carper, H. M.	1883	January 14, 1895.	Vol. 23, p. 31.	Delaware
Chamberlin, H. A.	1881	February 18, 1884.		Toledo
Clark, John C.		June 23, 1912.	Vol. 33, p. 121.	Greenville
Clark, Milton L.	1880	June 11, 1897.	Vol. 18, p. 255.	Chillicothe
Cleveland, James Harlan.	1895	December 24, 1906.	Vol. 28, p. 46.	Cincinnati
Clover, Eliana M.	Original	September 24, 1895.		Sandusky
Cobbs, Chas. S.	1898	January 27, 1903.	Vol. 24, p. 45.	Akron
Cochran, Robert Henry.	1886	February 22, 1896.	Vol. 17, p. 249.	Toledo

MORTUARY LIST—Continued

Name	Became Member	Died	Memorial	Residence
Collings, Henry	1898	January 9, 1904.	Vol. 26, p. 38, 212.	Manchester
Collins, Francis	1880	August 31, 1892.	Vol. 9, p. 137.	Columbus
Collins, James H.	1880	January 2, 1904.	Vol. 25, p. 18, Vol. 26, p. 35, 212	Columbus
Collins, W. A.	1882	April 2, 1891.	.....	Toledo
Conklin, J. S.	1882	October 1, 1897.	.....	Sidney
Cook, Asher	1889	January 1, 1892.	Vol. 13, p. 34.	Perrysburg
Cook, John M.	1891	July 10, 1910.	Vol. 32, p. 12.	Steubenville
Cone, John A.	1907	February 11, 1910.	Vol. 32, p. 21.	Delaware
Cooper, W. O.	1895	June 29, 1902.	.....	Mt. Vernon
Cox, Allen M.	1893	October 27, 1913.	Vol. 35, p. 166.	Conneaut
Cowen, Allan T.	1883	June 21, 1891.	Vol. 13, p. 33.	Batavia
Creed, Jerome D.	1908	August 28, 1913.	Vol. 35, p. 167.	Cincinnati
Crew, William E.	.....	August 27, 1911.	Vol. 33, p. 119.	McConnellsville
Critchfield, L. J.	Original	February 19, 1896.	Vol. 17, p. 44, 233.	Columbus
Culbertson, W. O.	1889	December 22, 1894.	Vol. 16, p. 147.	Mt. Vernon
Cummings, J. W.	1888	December 18, 1899.	Vol. 21, p. 36, 213.	Toledo
Cunningham, Theo.	1883	April 14, 1889.	Vol. 10, p. 43, 46.	Lima
Daugherty, M. A.	1880	January 15, 1887.	Vol. 8, p. 190.	Columbus
Davies, Malcolm G.	1902	October 12, 1904.	Vol. 26, p. 38.	Avondale
Davis, Benjamin E.	1880	.....	Vol. 23, p. 31.	Cleveland
Davis, Evan D.	1910	March 15, 1915.	Vol. 36, p. 121.	Cincinnati
Day, D. W. H.	1881	April 27, 1891.	.....	Bowling Green

Day, Luther.....	Original	March 7, 1885.....	Vol. 23, p. 31.....	Ravenna
DeWitt, James L.....	1890	October 11, 1890.....	Vol. 12, p. 49, 190.....	Sandusky
Dickman, Franklin J.....	Original	February 14, 1908.....	Vol. 29, p. 19.....	Cleveland
Dickson, William L....	1910	May 8, 1915.....	Vol. 36, p. 122.....	Cincinnati
Dilatash, W. S.....	1888	October 2, 1895.....	Vol. 17, p. 231.....	Lebanon
Dowdall, Edward J.....	1881	April 5, 1890.....	Vol. 23, p. 31.....	Columbus
Dunn, A. K.....	Original	April 29, 1890.....	Vol. 11, p. 47.....	Mt. Gilead
Durdinger, Sylvester W...	1904	April 25, 1913.....	Vol. 34, p. 138.....	London
Eason, Samuel B.....	1906	June 15, 1914.....	Vol. 35, p. 169.....	Wooster
Edwards, J. M.....	Original	December 8, 1886.....	Vol. 23, p. 29.....	Youngstown
Eichelberger, Geo. M....	1883	January 11, 1906.....	Vol. 28, p. 27.....	Urbana
Elliot, Henderson.....	Original	June 24, 1896.....	Vol. 17, p. 36, 38, 219...	Dayton
Emery, James H.....	1904	November 12, 1909.....	Vol. 19, p. 213, 219.....	Toledo
Evans, Nelson W.....	1897 .....	.....	Vol. 34, 141.....	Portsmouth
Ewing H. J.....	1902	May 21, 1903.....	Vol. 26, p. 38.....	Cleveland
Fitch, E. H.....	Original	September 9, 1897.....	Vol. 19, p. 121.....	Jefferson
Follett, John F.....	1881	April 15, 1902.....	Vol. 23, p. 170.....	Cincinnati
Follett, Martin D.....	.....	August 21, 1911.....	Vol. 33, p. 116.....	Marietta
Force, M. F.....	1881	May 8, 1899.....	Vol. 20, p. 34, Vol. 23, p. 31	Cincinnati
Foster, Edward.....	1880	April 17, 1883.....	Vol. 23, p. 31.....	Bryan
Frank, John H. L.....	Original	June, 1903.....	Vol. 24, p. 281.....	Columbus
Gage, D. W.....	1904	1906	Vol. 28, p. 27.....	Oberlin
Geddes, Geo. W.....	1892	November 9, 1892.....	Vol. 14, p. 131.....	Mansfield

MORTUARY LIST—Continued

Name	Became Member	Died	Memorial	Residence
Gerard, C. W.	1891	September 24, 1894.	Vol. 16, p. 40.	Cincinnati
Gillmer, Thomas H.	1894	September 20, 1911.	Vol. 32, p. 24.	Warren
Gilmore, Wm. J.	Ex-Officio	August 9, 1896.	Vol. 18, p. 251.	Columbus
Godwin, Homer	Original	July 6, 1896.		Saundusky
Goode, Frank C.	Original	November 29, 1887.	Vol. 23, p. 31.	Springfield
Goode, James S.	1880	April 19, 1891.	Vol. 12, p. 33-36, 37, 41.	Springfield
Goodhue, N. W.	1880	September 12, 1883.	Vol. 23, p. 32.	Akron
Granger, Moses M.	1881	April 29, 1913.	Vol. 34, p. 143.	Zanesville
Green, Edwin P.	Original	December 23, 1894.	Vol. 16, p. 127.	Akron
Green, Thomas J.	1905	February 8, 1915.	Vol. 36, p. 124.	Shelby
Greer, J. T.	1881	March 26, 1904.	Vol. 26, p. 38.	Toledo
Grumble, Nathan.	1908	November 10, 1914.	Vol. 36, p. 127.	Columbus
Gunkel, Lewis B.	1885	October 3, 1903.	Vol. 25, p. 19, Vol. 26, p. 36.	Dayton
Guthrie, E. A.	1892	July 12, 1893.	Vol. 23, p. 32.	Athens
Hackedorn, Wm. E.	1894	November 26, 1908.	Vol. 30, p. 22.	Indianapolis
Hall, Theodore.	1898	June 17, 1905.	Vol. 26, p. 228.	Ashtabula
Hall, John J.	Original	September 4, 1897.	Vol. 19, p. 223.	Akron
Hamilton, W. B.	1880	September 23, 1887.	Vol. 23, p. 32.	Richwood
Hammond, Eli S.	Ex-Officio	December 17, 1904.	Vol. 26, p. 220.	Memphis, Tenn.
Hanna, John E.	1883	August 30, 1894.	Vol. 16, p. 137.	McConnellsville
Hare, D. D.	1884	February 10, 1897.	Vol. 18, p. 261.	Upper Sandusky
Harris, Stephen E.	Original	January 15, 1905.	Vol. 26, p. 33, 196.	Bucyrus
Harrison, Richard A.	Original	July 30, 1904.	Vol. 26, p. 206.	Columbus

Hathaway, Isaac N.....	1881	January 30, 1901.....	Vol. 22, p. 36, 177.....	Chardon
Hayden, George.....	1901	November, 1910.....	.....	Medina
Haynes, George E.....	1880	1908	Vol. 29, p. 15.....	Toledo
Hefner, David A.....	1900	February 20, 1915.....	Vol. 36, p. 128.....	Clyde
Hettmann, J. H.....	1880	1895	Vol. 17, p. 45.....	Columbus
Herrick, G. E.....	1896	May 28, 1900.....	.....	Cleveland
Hissen, J. E.....	1906	November, 1908.....	.....	Loudonville
Hoadly, George.....	1881	August 26, 1902.....	Vol. 24, p. 272.....	New York
Hollingsworth, James W.....	1898	September 3, 1906.....	Vol. 28, p. 23.....	St. Clairsville
Hollister, Thomas.....	1901	March 8, 1913.....	Vol. 34, p. 145.....	Cincinnati
Holmes, J. T., Jr.....	1905	May 9, 1910.....	Vol. 31, p. 46.....	Columbus
Horton, J. D.....	Original	September 14, 1882.....	Vol. 23, p. 32.....	Ravenna
Hoakins, Emory L.....	1899	April 4, 1909.....	Vol. 30, p. 18.....	Sidney
Houk, G. W.....	Original	February 9, 1894.....	Vol. 15, p. 131.....	Dayton
Hoyt, Thaddeus E.....	.....	January 14, 1912.....	Vol. 33, p. 120.....	Ashtabula
Hubbard, Frank C.....	1896	December 26, 1914.....	Vol. 36, p. 129.....	Columbus
Hull, Linn W.....	1890	May 27, 1905.....	Vol. 26, p. 32, 223.....	Sandusky
Hunt, Samuel F.....	Original	January 12, 1907.....	Vol. 28, p. 23.....	Cincinnati
Hunter, Samuel M.....	Original	February 20, 1907.....	Vol. 28, p. 35.....	Newark
Hurd, Frank H.....	1896	July 10, 1896.....	Vol. 17, p. 48, 225.....	Toledo
Hutchins, Francis E.....	1894	April 12, 1913.....	Vol. 35, p. 170.....	Warren
Hutchins, W. A.....	1880	January 22, 1902.....	Vol. 23, p. 32.....	Portsmouth
Ivers, J. A.....	1897	May, 1910.....	.....	McConnellsville
Jenney, Herbert.....	1892	April 27, 1914.....	Vol. 35, p. 172.....	Cincinnati
Jewett, L. M.....	Original	November 7, 1906.....	Vol. 28, p. 34.....	Athens

MORTUARY LIST—Continued

Name	Became Member	Died	Memorial	Residence
Johnson, E. G.	1898	February 28, 1911.	Vol. 32, p. 17.	Elyria
Johnson, Wm. H.	1907	February 14, 1911.	Vol. 32, p. 14.	Zanesville
Johnson, W. W.	Ex-Officio	March 2, 1882.	Vol. 23, p. 32.	Ironton
Kabatchnick, Sam.	1912	February 7, 1914.	Vol. 35, p. 173.	Cleveland
Kaufman, Henry P.	1913	May 18, 1914.	Vol. 35, p. 174.	Cincinnati
Kear, Fred W.	1905	July 4, 1909.	Vol. 31, p. 46.	Cincinnati
Keith, Myron B.	Original	August 14, 1893.	Vol. 15, p. 30, 32.	Cleveland
Kennon, William.	Ex-Officio	November 2, 1881.	Vol. 23, p. 32.	St. Clairsville
Kent, Chas.	Original	July 9, 1888.	Vol. 9, p. 45.	Toledo
King, Rufus.	1880	March 25, 1891.	Vol. 12, p. 38, 43, 47, 181.	Cincinnati
Kohler, Geo. C.	1896	March 14, 1908.	Vol. 29, p. 21.	Akron
Kramer, A.	1881	August 10, 1885.		Oak Harbor
Krauss, Wm. C. G.	1881	April, 1905.		Ottawa
Krumm, Alex. W.	1882	December 19, 1910.		Columbus
Lawrence, James.	1902	July 4, 1914.	Vol. 35, p. 175.	Cleveland
Lawrence, Wm.	Original	May 8, 1889.	Vol. 20, p. 236.	Bellefontaine
Lee, John C.	Original	March 23, 1891.	Vol. 12, p. 29, 44, 46, 182.	Toledo
Leedom, John S.	1883	April 20, 1899.	Vol. 20, p. 34, 247.	Urbana
Lemmon, John M.	1892	August 17, 1895.	Vol. 17, p. 247.	Clyde
Leonard, J. L.	1890	September 3, 1895.	Vol. 17, p. 46, 241.	Bucyrus
Lincoln, John L.	1905	December 31, 1914.	Vol. 36, p. 132.	Cincinnati

Locke, John L.	1897	May 30, 1904	Vol. 25, p. 20	Cambridge
Longworth, Nicholas	1882	January 17, 1890	Vol. 11, p. 43	Cincinnati
Loomis, John C.	1892	May 2, 1914	Vol. 36, p. 134	Tiffin
Lutz, Nelson B.	1889	May 16, 1900	Vol. 25, p. 21	Tiffin
Lynch, Wm. A.	Original	1906	Vol. 28, p. 28	Canton
Marshall, Robert D.	1881	April 24, 1912	Vol. 33, p. 134	Dayton
Martin, Charles D.		August 27, 1911	Vol. 33, p. 118	Lancaster
Martin, Oscar T.	1881	May 2, 1913	Vol. 34, p. 146	Springfield
Marvin, David L.	1899	June, 1900	Vol. 21, p. 36	Akron
Mason, James	1880	January 5, 1885	Vol. 9, p. 43	Cleveland
Matthews, Stanley	Original	March 22, 1889	Vol. 10, p. 40, 43	Washington, D. C.
May, Manuel	1890	June, 1903	Vol. 24, p. 294	Mansfield
McElhiny, J. W.	1887	October 5, 1900	Vol. 22, p. 37, 171	McConnellsville
McGuffey, John G.	Original	June 30, 1905	Vol. 26, p. 32, 39	Columbus
McIlvaine, George W.	Ex-Officio	December 23, 1887	Vol. 23, p. 32	New Philadelphia
McIntire, A. E.	Original	September 21, 1903	Vol. 25, p. 18, 35	Mt. Vernon
McKee, Richard M.	1893	March 25, 1907	Vol. 30, p. 17	Toledo
McKinley, Wm.	1880	September 14, 1901	Vol. 23, p. 65, Vol. 24, p. 258	Canton
McNeal, J. F.	1890	1907		Marion
Melhorn, Chas. M.	1898	November 1, 1902	Vol. 24, p. 301	Kenton
Millikin, Thomas	1891	November 10, 1899	Vol. 23, p. 32, Vol. 21, p. 35	Hamilton
Minshall, Thaddeus A.	Ex-Officio	November 27, 1908	Vol. 30, p. 13	Chillicothe
Moore, H. Curtis	1909	September 1, 1912	Vol. 34, p. 148	Columbus
Moore, Oscar F.	1880	June 24, 1885	Vol. 23, p. 32	Portsmouth
Morse, Frank E.	1908	January 5, 1914	Vol. 35, p. 177	Cincinnati
Motter, Isaac S.	1885	March 21, 1907	Vol. 29, p. 13	Lima

MORTUARY LIST—Continued

Name	Became Member	Died	Memorial	Residence
Mullins, F. J.	1898	1911	Vol. 32, p. 22	Salem
Murphy, Elmer E.		1912	Vol. 33, p. 124	Columbus
Nash, George K.	Original	October 28, 1910	Vol. 26, p. 184	Columbus
Nevin, Robert M.	Original	December 17, 1912	Vol. 34, p. 152	Dayton
Newton, Eben		November 5, 1885	Vol. 7, p. 68	Canfield
Nippert, Carl L.	1902	September 6, 1910	Vol. 26, p. 32	Cincinnati
Noble, Henry C.	1880	December 12, 1890	Vol. 12, p. 28, 50, 192	Columbus
Noble, Warren P.	Original	July 9, 1903	VI 25, p. 19, Vol. 26, p. 36	Cleveland
Norris, Myron A.	1895	June 20, 1914	Vol. 36, p. 133	Youngstown
Northway, S. A.	Original	September 8, 1898	Vol. 23, p. 30	Jefferson
Nye, David F.	1910	June 23, 1912	Vol. 34, p. 153	Elyria
Odell, Morgan N.	1881	October 29, 1888	Vol. 10, p. 46-50	Toledo
Okey, John W.	Ex-Officio	July 25, 1885	Vol. 6, p. 50, Vol. 23, p. 32	Columbus
Olds, Chauncey N.	1880	February 11, 1890	Vol. 11, p. 282	Columbus
Osborne, John E.	Original	July 5, 1897		Toledo
Owesney, W. A.	1880	April 18, 1886		Steubenville
Parker, George D.	1904	1908	Vol. 29, p. 13	Ashtabula
Patterson, J. C.	1894	March 21, 1905	Vol. 26, p. 32	Dayton
Peck, Hiram D.	1912	October 7, 1914	Vol. 36, p. 136	Cincinnati
Perry, Aaron Fife	1882	March 11, 1893	Vol. 14, p. 158	Cincinnati
Pike, L. H.	1880	February 9, 1906		Toledo

Pillars, Isaiah.....	1880	September 13, 1895.....	Vol. 23, p. 30.....	Lima
Pinney, Orestes C.....	1904	March 23, 1905.....	.....	Cleveland
Pomerene, Julius C.....	1894	December 23, 1897.....	Vol. 19, p. 227.....	Coshocton
Pomerene, J. G.....	1900	July 25, 1903.....	Vol. 25, p. 19, Vol. 26, p. 38	Cleveland
Pratt, Charles.....	Original	March 15, 1900.....	Vol. 21, p. 204.....	Toledo
Price, Josiah F.....	1881	August 8, 1887.....	Vol. 9, p. 44, Vol. 23, p. 31	Toledo
Price, James L.....	.....	April 24, 1912.....	Vol. 33, p. 125.....	Lima
Prophet, H. S.....	1882	October 9, 1914.....	Vol. 36, p. 138.....	Lima
Ranney, Henry C.....	1880	October 8, 1913.....	Vol. 35, p. 179.....	Cleveland
Ranney, Rufus P.....	Original	December 6, 1891.....	Vol. 13, p. 187.....	Cleveland
Read, Matthew C.....	Original	June 15, 1902.....	Vol. 23, p. 33, 175.....	Hudson
Rhoades, Edward H.....	1881	April 23, 1913.....	Vol. 34, p. 154.....	Toledo
Richards, Channing.....	1894	September 12, 1896.....	Vol. 18, p. 241	Cincinnati
Richards, John K.....	Ex-Officio	March 1, 1909.....	Vol. 30, p. 15.....	Cincinnati
Rickenbaugh, Frank W.....	1887	June 13, 1898.....	Vol. 19, p. 56-57, 231.....	Toledo
Ricks, A. J.....	Original	December 20, 1906.....	Vol. 28, p. 23.....	Cleveland
Roberts, Elias E.....	1905	November 24, 1908.....	Vol. 30, p. 20.....	Warren
Robn, John K.....	1889	1900	Vol. 22, p. 175.....	Tiffin
Rouse, B. W.....	Original	July 20, 1894.....	.....	Toledo
Rowe, Edward L.....	1907	March 25, 1911.....	Vol. 32, p. 19.....	Dayton
Sadler, E. B.....	1881	March 26, 1888.....	Vol. 23, p. 32.....	Sandusky
Sage, George E.....	Ex-Officio	November 19, 1898.....	Vol. 25, p. 212.....	Lebanon
Sanderson, T. W.....	Original	January 26, 1908.....	Vol. 29, p. 18.....	Youngstown
Saylor, John E.....	1891	November 1, 1914.....	Vol. 36, p. 139.....	Cincinnati
Schoedinger, Frederick H.....	.....	July 8, 1912.....	Vol. 33, p. 122.....	Columbus
Scott, A. W.....	1891	March 9, 1896.....	Vol. 17, p. 237.....	Toledo

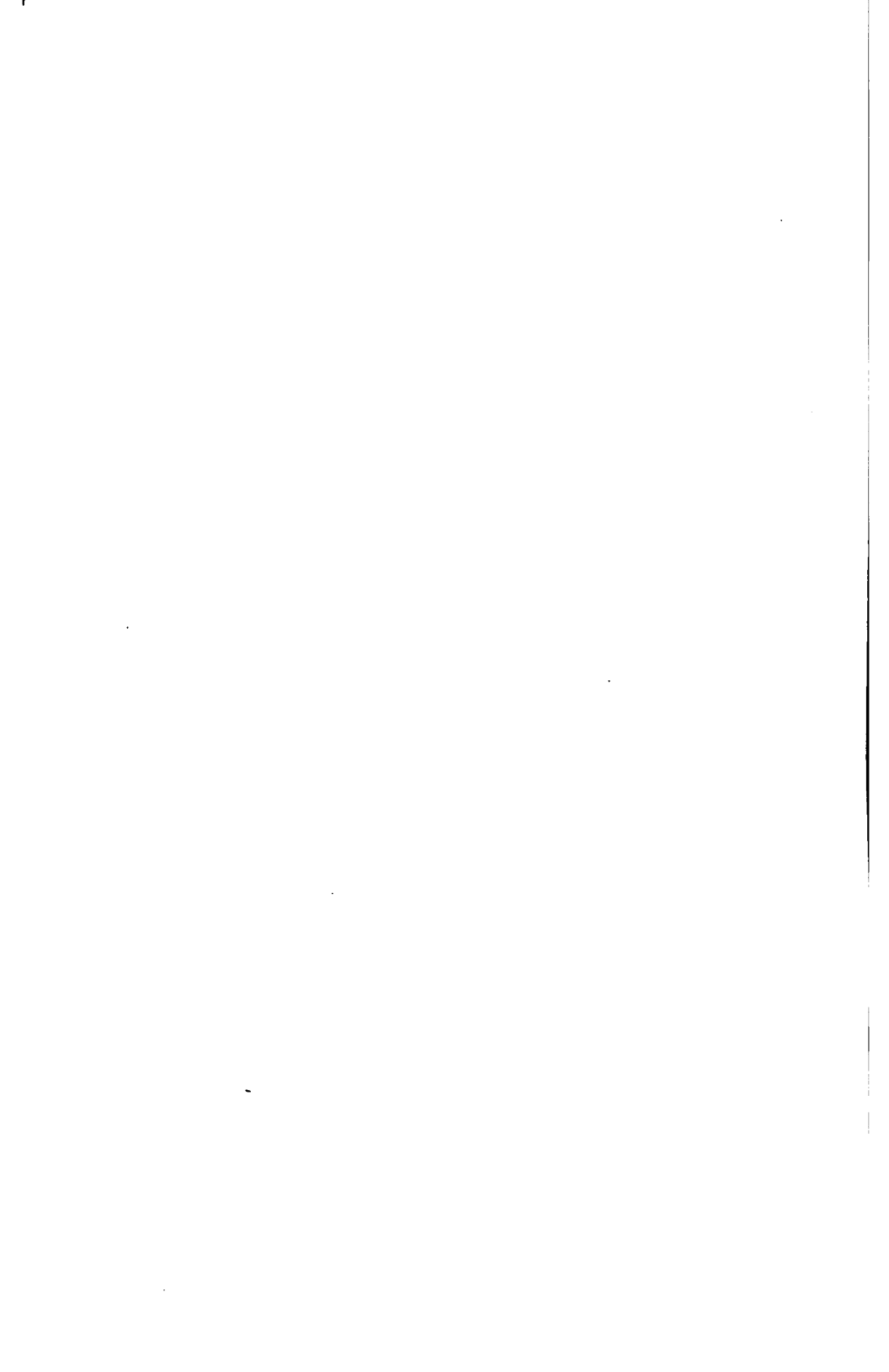
MORTUARY LIST—Continued

Name	Became Member	Died	Memorial	Residence
Scott, Josiah.....	Ex-Officio	June 15, 1879.....	Vol. 7, p. 42.....	Bucyrus
Scribner, Chas. H.....	1884	February 28, 1897.....	Vol. 18, p. 245.....	Toledo
Scribner, Harvey.....	1891	January 21, 1913.....	Vol. 34, p. 155.....	Toledo
Scroggs, Jacob.....	1881	March 23, 1897.....	Vol. 18, p. 235.....	Bucyrus
Seney, H. W.....	1889	September 2, 1909.....	Vol. 31, p. 37.....	Toledo
Sherman, Henry S.....	1890	February 24, 1893.....	Vol. 15, p. 31, 121.....	Cleveland
Sherwood, William E.....	1890	September 23, 1892.....	Vol. 14, p. 165.....	Cleveland
Slatterly, John A.....	1883	December 23, 1895.....	Vol. 17, p. 45.....	Cincinnati
Smith, J. H. Charles.....	1905	April 25, 1909.....	Vol. 30, p. 21.....	Cincinnati
Smith, J. M.....	Original	May 29, 1902.....	.....	Lebanon
Solders, George B.....	1899	August 10, 1913.....	Vol. 35, p. 183.....	Cleveland
Spaulding, Rufus P.....	Ex-Officio	August, 1886.....	Vol. 9, p. 143.....	Cleveland
Spear, William T.....	Ex-Officio	December 8, 1913.....	Vol. 35, p. 121.....	Warren
Spence, George.....	1881	February 6, 1895.....	Vol. 16, p. 135.....	Springfield
Sprigg, John M.....	1885	August 29, 1886.....	Vol. 28, p. 40.....	Dayton
Stewart, Gilbert H., Jr.....	1907	November 14, 1912.....	Vol. 34, p. 134.....	Columbus
Stewart, Gilbert H., Sr.....	Original .....	.....	Vol. 34, p. 156.....	Columbus
Stull, John M.....	1899	January 1906.....	.....	Warren
Sullivan, J. D.....	Original	April 20, 1909.....	Vol. 30, p. 22.....	Columbus
Sullivan, Theodore.....	1903	September 28, 1910.....	Vol. 32, p. 11.....	Troy
Sutliff, Milton W.....	Ex-Officio	April 24, 1876.....	Vol. 22, p. 212.....	Warren
Swan, Joseph E.....	Ex-Officio	June 8, 1884.....	Vol. 5, p. 50.....	Columbus
Swayne, Noah H.....	Ex-Officio	December 8, 1884.....	Vol. 5, p. 42.....	New York

Taft, Frederick L.....	1904	April 7, 1913.....	Vol. 34, p. 130.....	Cleveland
Taylor, Robert W.....	1880	November 26, 1910.....	Vol. 32, p. 10.....	Cleveland
Taylor, Anthony W.....	1899	1910	Vol. 32, p. 9.....	Salem
Thomas, A. Z.....	1881	February 11, 1886.....	Vol. 17, p. 243.....	Ottawa
Thomas, D. E.....	1891	May 6, 1896.....	Vol. 17, p. 245.....	Toledo
Thomas, W. B.....	Original	September 12, 1886.....	.....	Ravenna
Thompson, A. C.....	Ex-Officio	January 26, 1910.....	Vol. 31, p. 40.....	Cincinnati
Thompson, George K.....	1882	January 27, 1890.....	Vol. 11, p. 45.....	Cincinnati
Thompson, Samuel J.....	1892	October 14, 1895.....	Vol. 23, p. 32.....	Cincinnati
Thurman, Allen G.....	Ex-Officio	December 12, 1895.....	Vol. 17, p. 145, 211.....	Columbus
Tibbals, N. D.....	1880	September 26, 1890.....	Vol. 31, p. 38.....	Akron
Tilden, M. H.....	1882	February 23, 1888.....	Vol. 23, p. 32.....	Cincinnati
Tolerton, E. W.....	1890	August 22, 1906.....	Vol. 28, p. 36.....	Toledo
Train, A. W.....	1880	May 13, 1901.....	Vol. 12, p. 201.....	Zanesville
Troup, J. O.....	1881	July 26, 1909.....	Vol. 31, p. 35, 79.....	Bowling Green
Tyler, Joel W.....	Original	September 14, 1894.....	Vol. 32, p. 9.....	Cleveland
Upson, William H.....	Ex-Officio	April 13, 1910.....	Vol. 32, p. 9.....	Akron
Van Fleet, H. T.....	1880	November 28, 1891.....	Vol. 13, p. 32.....	Marion
Waite, Edward Tinker.....	1880	December 23, 1889.....	Vol. 11, p. 289.....	Toledo
Waite, Morison E.....	Ex-Officio	March 23, 1888.....	Vol. 9, p. 173.....	Washington, D. C.
Waite, Richard.....	Original	July 12, 1907.....	Vol. 29, p. 16.....	Toledo
Wald, Gustavus H.....	Original	June 28, 1902.....	Vol. 23, p. 178.....	Cincinnati
Waters, Octavius.....	1881	July 8, 1886.....	Vol. 23, p. 32.....	Delta
Ward, Durbin.....	1892	May 22, 1886.....	Vol. 9, p. 139.....	Lebanon
Weems, C. L.....	1909	January 5, 1913.....	Vol. 34, p. 159.....	Steubenville

MOETUARY LIST—Continued

Name	Became Member	Died	Memorial	Residence
Welch, John.....	Ex-Officio	August 6, 1891.....	Vol. 13, p. 31, 33, 209.....	Athens
Welker, Martin.....	Ex-Officio	March 15, 1891.....	Vol. 24, p. 297.....	Wooster
West, William H.....	Ex-Officio	March 14, 1911.....	Vol. 32, p. 180.....	Bellefontaine
Wheeler, T. W.....	1890	November 11, 1901.....	.....	Toledo
White, Charles B.....	Original	July 29, 1890.....	Vol. 12, p. 32, 36.....	Springfield
White, Henry C.....	1889	January 15, 1905.....	Vol. 26, p. 38.....	Cleveland
White, William.....	Original	March 12, 1883.....	Vol. 6, p. 219.....	Springfield
Whiting, William B.....	1912	September 1, 1913.....	Vol. 35, p. 185.....	Cleveland
Wiggins, Willis H.....	1890	January 16, 1914.....	Vol. 35, p. 187.....	Chillicothe
Wilcox, F. N.....	1889	September 20, 1904.....	Vol. 34, p. 160.....	Cleveland
Wilder, Horace.....	1889	December 26, 1889.....	Vol. 11, p. 290.....	Red Wing, Minn.
Wildes, Thomas B.....	Ex-Officio	March 28, 1883.....	Vol. 23, p. 32.....	Akron
Wilkin, J. Foster.....	1912	December 4, 1914.....	Vol. 36, p. 141.....	New Philadelphia
Willdia, John W.....	1912	May 12, 1915.....	Vol. 36, p. 144.....	Cleveland
Willey, George.....	1880	December 29, 1884.....	.....	Cleveland
Williams, Marshall J.....	Original	July 7, 1902.....	Vol. 24, p. 267.....	Columbus
Williamson, Samuel E.....	Ex-Officio	January 21, 1903.....	Vol. 24, p. 303.....	Cleveland
Woodbury, Hamilton B.....	Original	June 19, 1895.....	Vol. 16, p. 141.....	Jefferson
Woolf, A. J.....	1899	January 29, 1906.....	.....	Youngstown
Wright, D. Thew.....	1896	September 11, 1912.....	Vol. 34, p. 162.....	Cincinnati
Wright, James E.....	1880	November 17, 1890.....	Vol. 12, p. 50, 184.....	Worthington
Wulsin, Drausin.....	1906	November 14, 1910.....	Vol. 32, p. 16.....	Cincinnati
Young, E. S.....	1882	February 14, 1888.....	Vol. 10, p. 82.....	Dayton





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